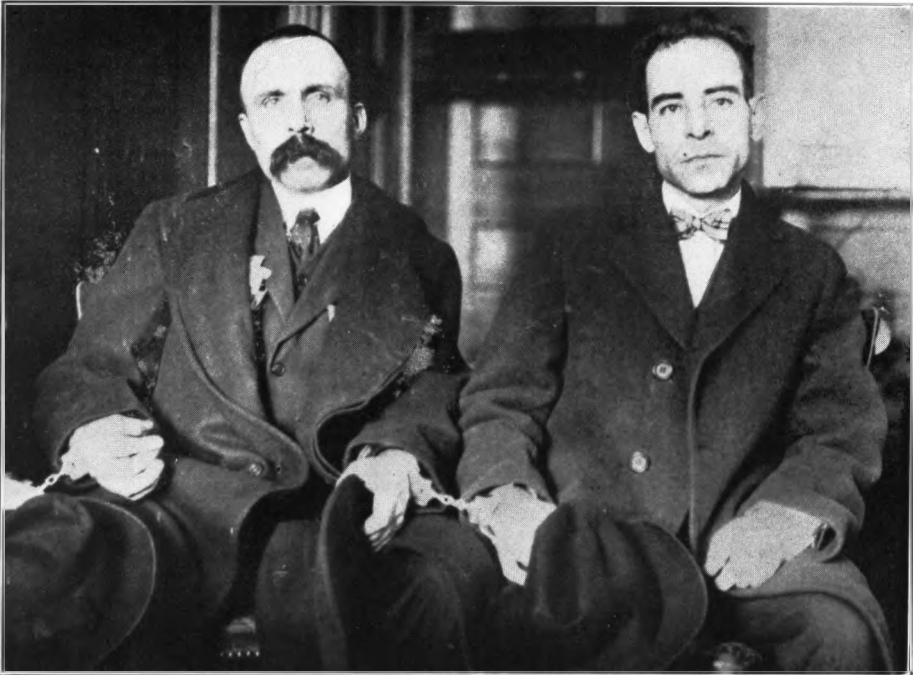


**The LIFE and DEATH
of SACCO and VANZETTI**



EUGENE LYONS





Bartolomeo Vanzetti and Nicola Sacco in Court

The
LIFE *and* DEATH
of
SACCO AND
VANZETTI

By
EUGENE LYONS



NEW YORK
INTERNATIONAL PUBLISHERS

Copyright, 1927, by
INTERNATIONAL PUBLISHERS CO., INC.

Printed in the U. S. A.

This book is composed and printed by union labor

CONTENTS

CHAPTER	PAGE
I. A WORKING CLASS EPIC	7
II. ITALIAN CHILDHOODS	11
Bartolomeo Grows Up in Villa Falletto; Sacco Grows Up in Torremaggiore.	
III. INTRUDERS IN AMERICA	17
The Struggles of Immigrants; Their Loss of Caste.	
IV. THE AMERICANIZATION OF TWO IMMIGRANTS	23
They Discern a Pattern in the Confusion; They Learn Class Consciousness.	
V. NEW ENGLAND	29
A Decadent Ruling Class; The Immigrants Begin to Organize; Sacco Active in Labor Struggles; Vanzetti Becomes a "Goddam Agitator."	
VI. AMERICA HAS A RED NIGHTMARE	36
War Breeds a Huge Spy System; Treat 'Em Rough!; Red Raids and Deportations.	
VII. TWO REDS ARE TRAPPED	43
The Arrest; Why the Trap Was Set; Watched by Federal Agents.	
VIII. NEW ENGLAND IDENTIFIES TWO AGITATORS	52
A Compendium of New England's Fears; Sleight-of-Hand to Get "Identifications"; Purpose of Vanzetti's First Trial.	
IX. VANZETTI GETS A CRIMINAL RECORD	58
Enter Thayer and Katzmann; A Farcical Trial.	
X. A LABOR LAWYER ENTERS THE CASE	66
Fred H. Moore Defends Sacco and Vanzetti; A Class Defense Against a Class Prosecution.	
XI. MELODRAMA IN DEDHAM	71
An Atmosphere of Terror Created; The Jurors Are Selected; Flag-Waving at a Criminal Trial.	
XII. THE EVIDENCE IN THE DEDHAM TRIAL	76
The Crime; The Case Against Vanzetti; The Case Against Sacco; Their "Consciousness of Guilt"; Guilty. . . .	

CHAPTER		PAGE
XIII.	TORTURE BY HOPE Labor Protests Against the Conviction; The American Press Is Startled; Sacco and Vanzetti Count the Years.	95
XIV.	NEW EVIDENCE AND EMPTY MOTIONS A Christmas Gift from Thayer; Illegal "Exhibits" in the Jury Room; An Identification Witness Confesses to Perjury; A Witness Whom the State Snubbed; A Witness Exposed as a Notorious Criminal; Another Confession of Perjury; How Experts Fooled the Jury; A High-Powered Microscope Testifies for Sacco; Thayer Adjusts His Legal Conscience.	103
XV.	SACCO AND VANZETTI WAIT Sacco's Years in Dedham Jail; Vanzetti Caged in Charlestown Prison.	114
XVI.	CELESTINO MADEIROS ENTERS THE CASE A Criminal Confesses to the Murders; Two Federal Agents Disclose a Conspiracy.	121
XVII.	LEGAL MATHEMATICS The Courts Disregard Madeiros' Confession; Middle-Class Fears for "Our Institutions."	128
XVIII.	JUDGMENT DAY IN DEDHAM Vanzetti Faces Judge Thayer; A Judge Is Condemned.	135
XIX.	BABBITT ENTHRONED IN THE STATE HOUSE Two Public Opinions; Governor Fuller Takes Control; Thayer's Prejudices on Record; A Governor in Search of Truth.	143
XX.	THE END OF A PANTOMIME Fuller Makes His Decision; "Proceedings Without Legal flaw"; "Governor Fuller Is a Murderer."	153
XXI.	HANGMEN IN FROCK COATS The Report of the Advisory Commission; Whitewashing a Dirty Business.	161
XXII.	SEVEN DAYS THAT SHOOK THE WORLD An Unsurpassed International Protest; The Tories Strike Back; The Feeling Against America Abroad; "Law and Order" Shows Its Teeth; A Race Through the Courts.	169
XXIII.	A CAT-AND-MOUSE GAME IN THE DEATH-HOUSE August Tenth: The Blow About To Descend; The World Protest Continues To Grow; State and Federal Judges Play the Game.	181
XXIV.	VOICES FROM THE DEATH-HOUSE Writing Letters as Death Approaches; Faith in the World's Workers; Letters to Sacco's Son; Messages To Their Comrades Everywhere.	189
XXV.	"—THAT AGONY IS OUR TRIUMPH" The World Watches Executions; Sacco and Vanzetti Are Electrocutted; They Died for the Working Class.	199

THE LIFE AND DEATH OF SACCO AND VANZETTI

CHAPTER I

A WORKING CLASS EPIC

SMALL-TOWN policemen arrested two Italians on a street car in Brockton on the evening of May 5, 1920. The arrest did not cause a ripple on the respectably varnished surface of Massachusetts. Except for the local press, it went unrecorded. Sudden arrests of foreign workers were common at the moment. And these two, Nicola Sacco and Bartolomeo Vanzetti, were obscure men—so obscure that they had slipped through the close mesh of Attorney General Palmer's dragnet which for a year had been sweeping through working class districts, leaving terror, destruction, and death in its wake.

Even when these men were pronounced guilty of a repulsive murder, in the courtroom at Dedham on July 14, 1921, the *New York Times* gave the conviction exactly seven and a half inches on an inside page. But six years later, when the two were put to death in the electric chair, on August 23, 1927, the same newspaper gave five pages to the event.

When they were arrested, only the immediate friends of Sacco and Vanzetti were alarmed. Seven years later, when their lives were extinguished, millions of anguished men and women throughout the world watched the spectacle. The prison in which the tragedy was consummated was guarded that night by policemen and soldiers, by machine-guns and bayonets and gas-bombs. Police boats patrolled the nearby river. Huge arc-lights lit up the streets around the prison, revealing the terror in thousands of faces.

- Up to the last moment millions of men and women pleaded to a smiling governor for a reprieve; delegations of workers
- and professional men, outraged intellectuals, horror-stricken
 - persons from every walk of life hammered in desperation upon the mind and heart of a smiling governor.

Shortly after midnight the news was flashed to the world: Sacco dead . . . Vanzetti dead. . . .

Shuddering thousands slunk away from the scene under the ghastly arc-lights in Boston. Men sank to the curbstones on the streets of New York and wept like children. Women tore their hair and wrung their hands in grief. A gasp of horror convulsed throngs before newspaper billboards in Chicago and San Francisco, London and Paris, Berlin and Moscow, Madrid and Rome, Buenos Aires and Rio de Janeiro, Tokio and Vladivostok.

For a minute the waiting millions were crushed, numbed by despair. Then they were seized by rage, the rage of sorrow and of impotence bursting forth in demonstrations everywhere. By tens of thousands men and women poured into the streets of the world to shout their resentment. It brimmed over here and there in acts of violence. In Geneva masses of workers stormed the halls of the League of Nations. In Paris and Hamburg and London and a score of other cities, workers marched upon the American embassies and consulates. Workers laid aside their tools in general strikes in Argentina and Uruguay and Mexico. Everywhere the names of Sacco and Vanzetti became a challenge and a war-cry which still reverberate through every country of the world as these words are set down.

Nothing since the war has so stirred awareness in the world. Not merely the conscience of mankind has been stirred, but its consciousness, which is always far more inert. People were wrenched out of their smugness and indifference. Those in power—in the seats of government, of learning, of industrial leadership—felt themselves challenged, menaced. The

masses felt an inkling of their strength and groped blindly for some way to use it. The proceedings in Massachusetts tore great gaping fissures in the smooth surface of American life, disclosing volcanic convulsions at its heart. It ripped off layers of politeness and gentility and legality, to reveal deep-reaching conflicts underneath.

Somehow Sacco and Vanzetti, fighting for their lives in Massachusetts, summed up those conflicts. Men saw their own lives, their own fears and hopes, in dramatic replica in Massachusetts.

What was it that made of two simple workers a flaming symbol of class persecution? Whence the ground-swell of protest that sent diplomats and churchmen and lawyers and professors—the complacent, respectable people—into a frenzy of fear or of confused conscience?

The case was not made by scheming District Attorneys on the one hand, nor by a Machiavellian group of radical agitators on the other. The dull-witted local police and prosecutors did not dream that they were laying the foundation for a legend of martyrdom which would be echoed from generation to generation. And no one was more astonished by the overwhelming international response to their call for help than those comrades of Sacco and Vanzetti who constituted themselves a "defense committee."

All that happened in these years was implicit in the situation when Sacco and Vanzetti were first arrested. It was implicit in their own histories of hard work and lofty dreams in a strange land. Everything that happened developed almost spontaneously.

Therein lies the power and the importance of the drama. This story of two alien workers in America is an epic of all aliens and of all workers in America. Sacco and Vanzetti were chosen for their epic rôle almost accidentally. They proved themselves big enough to fill it. They demonstrated what grandeur there may be in simple, modest workers. With

every tortured hour of their ordeal they expanded, even as their image on men's minds expanded. They found powers of endurance, a clarity of understanding of their own plight in relation to the plight of their fellowmen. They never wavered, never complained.

And they died like heroes. Even their enemies exclaimed in awe-struck admiration. As to their friends—for them old frayed words like "martyrs" and "heroes" have become young and real. They have acquired names and a history.

CHAPTER II

ITALIAN CHILDHOODS

Bartolomeo Grows Up in Villa Falletto

HIGH in the hills of Piedmont in northern Italy life moves slowly in worn primitive grooves. The tide of industry and machinery has not reached the towns nestled in the folds of those hills and strung along their streams. The busy tourist, passing through on his way to the border, bound for the Alps perhaps, looks out with nostalgic wonder at houses dipped in pink or sky-blue or apple-green, with elaborate balconies and windows painted on the solid walls; at simple smiling men and women waving many-colored kerchiefs; at a life remote and placid.

And the peasant pauses behind his team of oxen to gaze wistfully after the train. It leaves behind it a pungent aroma of another world, a world shrill and tangled with the cranes and smoke-stacks of a new age. In the mind of that peasant and a thousand others who stare after it, the train plows up vague questionings about that other world; rumors of great cities brimming with comforts and wonders: Milano and Torino, and beyond that London and Manchester and even further—America. With a sigh he returns to his own plowing.

Here Bartolomeo Vanzetti was born on June 11, 1888, in Villa Falletto in the province of Cuneo. Villa Falletto—a string of squat houses on the right bank of the river Magra—can see the fields whence it draws its sustenance rising gently to the hills on the horizon. In the early morning sleepy-eyed men and women climb the slopes. Their voices, sometimes breaking out in familiar songs, reach those women and children and the few artisans who remain at home.

Bartolomeo's parents were comfortably fixed as such things are reckoned in Villa Falletto. They had their home, their garden, their plot of farming land. Better still, they and their people before them were respected by their neighbors. They were consulted in community matters and the priest talked of them as good-hearted people, pious people.

The first thirteen years of the boy's life were spent here, among his sisters and playmates. He attended the local school. He swam in the waters of the Magra. He helped to cultivate the land and to sell wine for his father. He prayed earnestly, fervently. But chiefly he was interested in his books. "My earliest memories," he wrote many years later, "are of prizes won in school examinations, including a second prize in religious catechism."

Bartolomeo's family, discussing the matter night after night in the sharp circle of a kerosene lamp, decided that there was little profit in excessive learning. It were better he learned a trade of some sort. Then he might return to Villa Falletto, open a shop and raise a family like his fathers before him. So in 1901 he was apprenticed to Signore Conino, who ran a pastry shop in the city of Cuneo.

His own father, Battista Vanzetti, conducted him to this place, and left him there "to taste for the first time the flavor of hard, relentless labor." Fifteen hours each day and seven days a week young Bartolomeo worked, except for a three-hour vacation twice a month. After twenty months he found a place in another bakery, this time in Cavour, where he remained for three years. Then he wandered to Turin, to Courgne, back to Turin, working and seeking work, until an attack of pleurisy sent him home.

"And so I returned," he recounted, "after six years spent in the fetid atmosphere of bakeries and restaurant kitchens, with rarely a breath of God's air or a glimpse of His glorious world. Six years that might have been beautiful to a boy avid of learning and thirsty for a refreshing draught of the simple country

life of his native village. Years of the great miracle which transforms the child into the man. Ah, that I might have had leisure to watch the wonderful unfoldment!"

Those years, though hard, were not lost. Even among the vapors of pastry bakeries where he toiled, Bartolomeo found things to stimulate his mind. Still a devout Catholic, he sought in religious publications for the secret of human happiness. The city boys, workers, clerks, fellow-bakers ridiculed his religiosity. Most of them thought themselves socialists—socialism was in the air—and quoted glibly from the current radical and anti-clerical pamphlets. On one occasion he fought a fist fight in defense of religion.

Nevertheless, the contacts with young workingmen in Cavour and Turin affected him. He read DeAmicis. New currents of thought and doubt washed away the props of his Catholicism. Almost without knowing it, he says, he had become a socialist. He sought out eagerly those who would dispute with him on religion and on the hopes for humanity through mundane salvations.

Villa Falletto was a narrow place when Vanzetti returned there at the age of nineteen, with the taste of larger cities on his tongue and the prod of new ideas in his mind. But he loved its peace and gentleness. His mother and sister nursed him back to health tenderly, but they grieved that they could not revive the fervor of his devotions in church. Their reprimands he met with a gentle smile.

The peace was short-lived. Giovanna Vanzetti, his mother, fell sick, with a sickness that kept her in harrowed pain for three months. In the last few weeks of her life her suffering became so agonizing that even her husband and daughter lacked the courage to go to her. It remained for Bartolomeo to comfort her, watching an ordeal of pain day and night. She died in his arms, and the shadow of those tortured months remained with him for the rest of his life. The tragedy struck the whole family cruelly. The elder Vanzetti grew gray in a

few months. Bartolomeo became silent, morose; he wandered through the forests along the Magra in a futile quest for peace.

In the end he decided to go to America; a land of refuge for the suffering. There, he hoped, life would be fuller, deeper, freer. He would find the knowledge for which he thirsted and the leisure to think things out. . . . America the glorious: George Washington and Thomas Jefferson and Abraham Lincoln. . . . All men are created free and equal. . . . Government of the people, by the people, and for the people. . . . Sweet far-off echoes of these words had reached him through books and papers, through the talk around him.

The parting was bitter and cruel. What can strangers—those who commute between London and New York, those for whom science and money have brought distant places together—know of such a parting? For the emigrant leaving his native village it is an uprooting, a sort of death. Vanzetti's family wept as though he were dying. The neighbors consoled the old father even as they had done when Giovanna died a few months before. The whole town followed Bartolomeo far out on the road, comforting and lamenting. The departure of an emigrant is a funeral.

Vanzetti, swallowing tears, fixed his mind on America in order to dull the pain of the parting. He was going to the land of freedom and of plenty. His pulses beat fast in anticipation. Turin, Modane, two days' travel across France, seven more in the foul-smelling holes of an immigrant ship—then the Promised Land!

Sacco Grows Up in Torremaggiore

The village of Torremaggiore, in the southern province of Foggia, well towards the heel of the Italian boot, is nearly an hour's distance from the railway station. The muddy road leading to it straggles between patched fields of deep brown, studded with olive trees. Burros nod along between double burdens on their flanks, jingling their bells and waving their

colored plumes. Some of the trees are alive with boys and girls picking the ripe fruit, calling to one another and letting themselves go in full-throated song.

One of the patches belonged to Michele Sacco, and his sons, many years ago, were among the busy singing children.

The town takes its name from a dilapidated castle, once a feudal stronghold, but now a tenement house. Clothes hung out to dry flutter from its ramparts; women lean far out on its wide window-ledges to converse with their neighbors; the ancient moat is choked with dirt and unwashed children. The town is close-knit; narrow streets, between whitewashed two-storied stone and mud houses, run into each other at crazy angles. Wide doorways, often garlanded with vegetables and drying cheeses, lead without the formality of a vestibule, into the main living room, or open into courtyards cluttered with children, chickens, goats, farming implements.

Such a house was Sacco's, where Ferdinando was born, on April 22, 1891. Later, when his elder brother Nicola died, Ferdinando gave up his own name and adopted his brother's. Here he grew up, studying a little, working and playing a great deal. His brother, Sabino, a few years older, was his constant companion.

There were no extremes of riches and poverty in Torremaggiore. If by chance any resident grew unusually rich, he was likely to move to Bari or Napoli or some other city. The Saccos were among the more substantial portion of the population. Their lands were among the widest in town and their olive and wine business thrived. Often young Nicola went round the country in a jogging cart to pay off hired workmen or to buy supplies. He was the trusted son: exceptionally strong, buoyant, healthy, intelligent, and less given to moping and doubting than some boys. The real, concrete things interested him most: tools and machinery and trees.

The climate of southern Italy is prodigal with golden days and velvet nights. The peace of a half-dreamy, unambitious

southern town rests upon Torremaggiore. Its youth sings and plays—and dreams. But peace palls upon them. Railroads and newspapers have brought the city too close to be ignored. In “socialist clubs” and “anarchist circles” and “republican societies” they talked and schemed in those days of a juster and more interesting world. And almost, without exception, they dreamed of America.

Sabino and Nicola and their friends talked eagerly of the land across the seas. What did it matter that in letters from townspeople there were hints that life might be hard and dull even in America? America was still the land of marvelous freedoms and marvelous achievements, where every one wore good clothes, every one read books and ate dainty foods. And for Nicola especially, because he loved machinery, it was a land of endless promise.

Old Michele Sacco had always been a republican. Sabino thought of himself as a socialist; his younger brother, too, read the socialist periodicals which drifted into Torremaggiore. But these were ideals: America was a reality.

For a while Sabino was away, conscripted in the Italian army. Nicola waited for his return, shouldering the additional burden on the land meanwhile. But when his brother returned they decided to go to America. Old Michele knew that it was useless to try to dissuade them.

The other boys and girls looked after them in envy as the cart laden with bundles left the town. Their friends and neighbors came to the road from the grapevines and olive trees to embrace them in farewell or to say a word of cheer. There were tears in many eyes. Two more young Italians were off to America, the land of freedom and plenty.

CHAPTER III

INTRUDERS IN AMERICA

The Struggles of Immigrants

NICOLA SACCO and his brother landed in Boston in April, 1908. Two months later Vanzetti arrived in New York. Nicola was seventeen years old; Vanzetti was twenty. They did not meet for several years. But the story of nearly every immigrant immediately after reaching America is similar.

Dazed and frightened by the noise, the speed, the strange tongues and the strange ways of the new land, they stumbled blindly, desperately, in search of work and bread. They were a prey to every employment office shark and every labor contractor. They were fleeced at the job and fleeced in spending their small earnings afterwards. It was a bad time to arrive. A period of comparative "prosperity" had reached a tragic climax in a "crisis." Wages were low and jobs at any wage were scarce.

Young Nicola considered himself lucky. Near Milford, Massachusetts, he was hired to carry water for a gang of laborers working on the road. Many of them were Italians. They liked him and he felt at home. He was fascinated by the engines, the sizzle of tar being poured, the sense of work being accomplished. When winter came on, he found work in the Hopedale mills, trimming the slag off pigiron. It was grueling work, but the boy was strong and did not mind. He remained in the mills for a year.

Vanzetti, over in New York, was having a harder time of it. Perhaps he was more sensitive than Sacco to the ignominy and uncertainty of his lot. Through the good offices of a countryman who was a cook he got a job as dishwasher in a fashion-

able club. Vanzetti remembered the time with a shudder of horror.

"I worked there three months," he wrote in 1921. "The hours were long; the garret where we slept was suffocatingly hot; and the vermin did not permit me to close an eye. Almost every night I sought escape in the park."

He had sailed right into the purgatory of a hot summer in the slums of the American metropolis.

"Leaving this place," he continues, "I found the same kind of employment in the M—— Restaurant. What the conditions there are at present I do not know. But at that time, thirteen years ago, the pantry was horrible. There was not a single window in it. When the electric light for some reason was out, it was totally dark, so that we couldn't move without running into things. The vapor of the boiling water where the plates, pans and silver were washed formed great drops of water on the ceiling, took up all the dust and grime there, then fell slowly one by one on my head, as I worked below. During working hours the heat was terrific. The table leavings amassed in barrels near the pantry gave out nauseating exhalations. The sinks had no direct sewerage connection. Instead the water was permitted to overrun to the floor. In the center of the room there was a drain. Every night the pipe was clogged and the greasy water rose higher and higher and we trudged in the slime.

"We worked twelve hours one day and fourteen the next, with five hours off every other Sunday. Damp food hardly fit for dogs and five or six dollars a week was the pay."

He remained in this slime, twelve and fourteen hours a day, for eight torturous months. Then he searched New York for another job. But the crisis was still upon the country. Despair stalked through New York slums. "What toiler does not remember it?" Vanzetti asked. "The poor slept outdoors and rummaged the garbage barrels to find a cabbage leaf or a rotten potato." A starved, frantic search for three months—but no job. Then, at the suggestion of another starved and desperate Italian, they used up Vanzetti's remaining money to get to Hartford, Connecticut, together.

But these are merely the external incidents of an immigrant's existence, privations and uncertainties to which he becomes accustomed. Far deeper and more tragic are the humiliations of his changed social standing, the ruthless shattering of all his preconceptions about America.

Their Loss of Caste

On the train from Modane to Paris an American found himself in a compartment with a family of Italian peasants going to the United States. Among them was a boy of twelve or thirteen, keyed up by the vision of the great adventure awaiting him. He was excited to find an American, and proceeded to confide his high hopes. He pictured America as a place of great spaces, filled with cowboys and Indians, where courage and strength such as his would surely win fame.

"I'll be a cowboy sure enough!" he boasted.

Later his mother showed the address to which they were going. It was a street in the "little Italy" of New York, crowded and ill-smelling as an Oriental slum. Imagine the revulsion of this boy when his dream broke on the garbage heaps of Mulberry Street! When his vision of a vigorous life ended at a sewing machine or in a New Jersey textile mill! And the disillusionment of his parents undoubtedly was no less terrible. If not cowboys, they had looked forward to a more spacious life, equality among their fellow-men, relief from the fear of starvation.

Sacco, Vanzetti, millions of others had left a quiet, primitive, almost pastoral life. They found themselves suddenly engulfed in American industrialism, frightened, puny, bewildered. From his father's garden young Bartolomeo had been catapulted among the skyscrapers, the dizzy traffic, the speed-up systems, the shrieking hurry of New York. From half-dreamy Torremaggiore young Nicola had been hurtled into the New England of crowded shoe towns and textile towns where men

and women and children were crammed in by the thousand and driven . . . driven. . . .

The change is too violent for an easy adjustment, especially when everything is calculated to make the process harder. Vanzetti spoke for millions of Russians and Poles and Italians and Irish when, sitting in the shadow of the electric chair years later, he recorded his first crushing disillusionment:

"In the immigration station I had my first great surprise. I saw the steerage passengers handled by the officials like so many animals. Not a word of kindness, of encouragement, to lighten the burden of fears that rests heavily upon the newly arrived on American shores. Hope, which lured these immigrants to a new land, withers under the touch of harsh officials. Little children who should be alert with expectancy, cling instead to their mothers' skirts, weeping with fright. Such is the unfriendly spirit that exists in the immigration barracks.

"How well I remember standing at the Battery, in lower New York, upon my arrival, alone, with a few poor belongings in the way of clothes, and very little money. Until yesterday I was among folks who understood me. This morning I seemed to have awakened in a world where my language meant little more to the native (so far as meaning is concerned) than the pitiful noises of a dumb animal. Where was I to go? What was I to do? Here was the Promised Land. The elevated rattled by and did not answer. The automobiles and the trolleys sped by, heedless of me."

Until yesterday Vanzetti was a distinct personality. He had a family, traditions, roots in the ground of Villa Falletto. There was continuity and meaning in his life. But no sooner had he stepped on American soil than these things fell away from him. He became a "dago" and a "guinea," his name a jumble of letters and of no consequence, his language and his mannerisms fair game for the burlesquers. He became factory fodder, a "hand," scarcely reckoned by his hosts as a "white man."

Until yesterday Sacco was somebody. Now he was just another "dago," one of the "goddam foreigners" who could

always be told to go back where they came from. He was one of the anonymous millions of wops and hunkies and polaks and squareheads and greasers who fill the steel mills and dig up coal and burrow tunnels—the most overworked, underpaid and intimidated workers in America.

At every step their loss of individuality is stressed, their humiliation deepened. From every pulpit and editorial rostrum, from the mouth of every two-by-four politician and condescending social worker they hear that they must be “grateful” for their right to toil. They are instructed to keep their mouths shut. They are “Americanized” about as gently as a horse is broken in. Their inherited traditions and points of view are ignored, insulted, treated as a kind of disloyalty.

This is the tragedy not alone of Sacco and of Vanzetti, but of the overwhelming mass of aliens in America. They huddle together in a kind of terror. They seek out their countrymen, *paesani* and *landsleit*, for companionship, for a sense of relationship to mankind.

They are excluded even from the ranks of organized workers. The dominant American labor organization is for the “aristocracy of labor.” It makes small provision for the masses of unskilled laborers; and it distrusts workers who when organized—as in the needle trades and coal mines—tend to become militant.

Only the strongest among the aliens can overcome the social judgment which presses in upon them from all sides: that they are inferiors, intruders. Few of them can shake off this feeling even after America has accepted them, given them money or political power or cultural recognition. They remain to the end of their days apologetic, humiliatingly humble and “thankful.” The shelves are cluttered with books by these pathetic apologetic aliens explaining their right to exist in America, although some of them—scientists and businessmen—have done more for America than America could possibly do for any one human being.

Only a comparative few among the millions of immigrants caught and held fast under this mountain of contempt and abuse manage to squirm out. These few hold fast to their human dignity. They insist upon their right to fight against oppressive conditions, even oppressive conditions in America. We have built your roads and laid your rails, they say. We have dug your coal and iron. Our bodies are cemented into the foundations of your bridges and your skyscrapers. We have done the hardest work and received the smallest pay. We consider therefore that we belong here, that we may preach and agitate and organize. More than that, because our fellow-immigrants suffer most severely from the inequalities of the economic system and the hypocrisies of the legal and political systems, it is especially our right and our duty to agitate and to organize.

Of this minority were Sacco and Vanzetti.

CHAPTER IV

THE AMERICANIZATION OF TWO IMMIGRANTS

They Discern a Pattern in the Confusion

THE pace of American industry was too exacting for Sabino. He went back to Italy, to the wine and oil business of his father in Torremaggiore. It was like a rebirth. In Massachusetts he had been an outcast, a pariah, the least important of the ingredients that went into the manufacture of cloth and shoes and rope. At home he was still a worker, but a human being as well. He again joined the socialist circles; in the discussions he drew upon his American experiences for examples of capitalist economics and capitalist ethics. After a few years his townspeople elected him Mayor of Torremaggiore on a socialist platform. Some of his relatives were members of the town's Council.

But Nicola, brimming with youthful vigor and fight, decided to remain. Skilled shoe workers were drawing what seemed to him attractive wages. He might carve for himself a place in the life of the new community despite its hostility. He paid fifty dollars to learn how to run an edging machine, and soon found work in a shoe factory in Webster. Later he moved on to Milford, where he remained, running a machine in the shoe mills and earning the superior wages of a skilled worker, until 1917.

The confusion of American life which at first dazed him, gradually clarified. He had an alert mind, which sought some logic in the noise and speed, in the contrasts of New England wealth and poverty, of elaborate "culture" and vast ignorance. In the talk of his fellow-workers, in the newspapers, in the radical publications, he found hints of an explanation. And in

time the scene acquired meaning and cohesion. He discerned a pattern through the confusion. And he discerned his own place in that pattern.

Vanzetti and his companion, after arriving in Hartford, struck out blindly in search of work. They went from town to town, from farm to farm, with hunger gnawing at their vitals. "Nothing doing . . . nothing doing. . . ." These were among the first English words they learned. Wet and disheveled from long wandering and sleeping outdoors, they were hardly prepossessing. Doors shut at their approach. Only other immigrants, here and there, gave them something to eat or a word of advice.

At last they were given the privilege of working at furnaces in a brick factory at Springfield. The work was extremely hard, and Vanzetti's companion left in two weeks. Vanzetti remained ten months.

"The work," he wrote, "was indeed above my strength, but there were many joys after the day's labor. We had quite a colony of natives from Piedmont, Tuscany, and Venice, and the little colony became almost a family. In the evenings the sordidness of the day was forgotten. Some one would strike up a tune on the violin, the accordion, or some other instrument. Some of us would dance—I, unfortunately, was never inclined towards this art and sat aside watching. I have always watched and enjoyed other folks' happiness."

After Springfield, he put in two years of the most exacting unskilled labor in the stone pits of Meriden. Then he made an attempt to work at his old trade, pastry-cooking, in New York. He was exploited by employment agencies and head chefs, forced to walk the sidewalks in quest of work again and again. Finally he went back to unskilled labor, in Youngstown, in Pittsburgh, and again in New England.

Vanzetti worked on railroad construction in Massachusetts; as a section-hand; he labored in the building of an aqueduct and on other construction jobs; ladled molten metal in an iron

foundry; was man-of-all-work on a rich man's estate; spent months in stone quarries. He was one of the lowly and the despised, the ditch-diggers and stone-breakers; one of a gang of laborers of all nationalities, more often a number than a name.

He too sought a logic in this endless drudgery. The towns where he lived, where millions of workers lived, were uniformly drab, ugly. His people were always oppressed by the specter of unemployment, never quite out of debt, never quite free with their bread. Why? Why?

He was better equipped by temperament than Sacco in this search for a pattern that would make injustice comprehensible, that might lighten the burden by pointing a way out. He was studious by nature. After a day in the stone quarries or before a brick furnace, Vanzetti went to his books, demanding an answer to the riddle of rich and poor. Here is his own summary of this period:

"Arrived in America, I underwent all the sufferings, the disillusiones and privations that come inevitably to one who lands at the age of twenty, ignorant of life and something of a dreamer. Here I saw all the brutalities of life, all the injustice, the corruption in which humanity struggles tragically.

"But despite everything I succeeded in fortifying myself physically and intellectually. Here I studied the works of Peter Kropotkin, Gorki, Merlino, Malatesta, Reclus. I read Marx's *Capital* and the works of Leone di Labriola, the political *Testament* of Carlo Pisacane, Mazzini's *Duties of Man*, and many other writings of social import. Here I read the journals of every socialist, patriotic and religious faction. Here I studied the Bible, *The Life of Jesus* (Renan), and *Jesus Christ Has Never Existed*, by Miselbo. Here I read Greek and Roman history, the story of the United States, of the French Revolution and the Italian Revolution. I studied Darwin and Spencer, Laplace and Flammarion. I returned to the *Divine Comedy* and to *Jerusalem Delivered*. I reread Leopardi and wept with him. I read the works of Hugo, of Tolstoi, of Zola, of Cantu, the poetry of Giusti, Guerrini, Rapisardi and Carducci.

"Do not believe me, my dear reader, a prodigy of science; that

would be a mistake. My fundamental instruction was too incomplete, my mental powers insufficient, to assimilate all this vast material. Then it must be remembered that I studied while doing hard work all day and without any congenial accommodations. Ah, how many nights I sat over some volume by a flickering gas jet, far into the morning hours! Barely had I laid my head on the pillow when the whistle sounded and back I went to the factory or the stone pits."

And Vanzetti, too, began to discern a pattern that explained the confusions and the contrasts.

They Learn Class Consciousness

Others like Sacco and Vanzetti, in almost every industrial city, were seeking this explanation. They met together after work hours in "social study circles" and "naturalization clubs" to discuss these things. They became the conscious minority of the immigrant population, and a fellowship grew among them.

They became aware of the discontent around them and assumed the burden of their fellow-workers' struggles. The fight of 30,000 textile workers of thirty nationalities in Lawrence became *their* fight. The revolts of the foundry workers in Hopedale, the shoe workers in Brockton and Lynn and Haverhill, the cordage workers in Plymouth, became *their* revolt.

Many of these conscious Italian immigrants read *Cronaca Sovversiva*, edited and published and for the most part written, by Luigi Galleani, in Massachusetts. They became a loosely knit fellowship; not in any sense an organization, but a fraternity of friends. They had neither officers nor memberships. Yet they worked together, and could count on each other's help in strikes or in benefit performances for needy comrades. Galleani, intense, learned, patriarchal in appearance, was the source of inspiration for this group. He lectured at their social study circles; he spoke at their strike meetings; he was a comrade and a father to them. The actual circulation of Galleani's paper in its most flourishing period could not have

exceeded six or seven thousand. But through these readers his influence extended to a considerable section of the Italian-born population in America.

Over in New York, Carlo Tresca was publishing a paper. His readers, too, formed a sort of intellectual community extending over the entire country. Being an anarcho-syndicalist—as differentiated from the simon-pure anarchism of Galleani—the Tresca group was somewhat closer to the actual fight of the workers for more wages and better conditions. But these fellowships overlapped. And for all their factional disputes, they were one when tested by a crucial industrial conflict, as in Lawrence and Lowell and Mesaba Range and Paterson and Plymouth Cordage.

Sacco and Vanzetti joined the clubs and circles in which Galleani's influence was paramount. The roots of their radicalism, of their protest against society, however, were not in Galleani's *Cronaca Sovversiva*. They were in the realities of the mills around them, in the starvation wages of textile workers and shoe workers, in the repressive measures used to prevent the workers from organizing.

Nor were Sacco and Vanzetti leaders. They were rank-and-filers, "Jimmie Higginses," although occasionally forced into prominence in strikes by their readiness to assume positions of danger.

Sacco and Vanzetti and most of their friends in these groups were "Americanized." Not, of course, in the sense of the social worker who aims to make out of the foreign workers, meek, contented animals immune to "agitators." But in the truer sense of men who accept the challenge of American conditions. They did not stand aloof from American life as something that did not concern them. They, the foreign-born workers, identified themselves with the American-born workers. They offered a hand of comradeship, and when repulsed offered it again. This was the land in which millions of their fellows, of all nationalities—including the native-born—filled the mines and

mills and factories. This therefore was the land where they must carry on their struggle as they saw it.

"I learned that class-consciousness was not a phrase invented by propagandists, but was a real, vital force, and that those who felt its significance were no longer beasts of burden but human beings."

These are Vanzetti's words.

CHAPTER V

NEW ENGLAND

A Decadent Ruling Class

THIS New England in which Sacco and Vanzetti labored had once been the economic and cultural center of the country. It was the cradle of the American Revolution and the home of the anti-slavery movement. The great merchants and bankers of Boston ruled the industrial life of the country. The literature and philosophy which flowered in Boston and its environs imposed their attitudes and judgments upon the rest of America.

But by the time the last immigrant wave swept over the land, in the decade preceding the war, New England had degenerated into a sort of backyard of America. The financial and industrial center had shifted to New York and the Middle West. The Bostonian culture had been isolated and fossilized; literature and thought now drew their vigor from the new prairie lands. More and more cultural standards were set in New York and Chicago and San Francisco.

Little remained of the old glory but a hardened shell of forms. A small ruling class, refusing to look squarely at the factories from which they drew their profits, lived correct cramped lives amid the faded perfumes of the past. Pride of family, starched manners, ingrown hatred of the uncouth newcomers, were to be found everywhere. The vitality was fast running out of New England to nourish the throbbing life outside.

Under the surface gloss of an *effete* aristocracy were exploitation and corruption at their worst. For every quiet elm-shaded hamlet, a score of industrial towns reeking of poverty.

For every colonial mansion, a hundred disease-ridden wooden tenements crowded with textile hands and shoe workers.

Successive waves of immigration inundated the country. Massachusetts was overrun by Irish peasants, then—just as its hatred of the Irish was becoming routine and less exacting—by Italians and Jews. To live at all, it had to make political compromises with these intruders.

Before the foreigners became industrially and politically conscious things were easier. The cheap immigrant labor was wholly unorganized, timid and long-suffering, and hopelessly divided by barriers of language and custom. Poles, Russians, Italians, French Canadians, Armenians, Turks . . . a score of nationalities might be represented in a single mill. It was almost all unskilled labor. The few jobs requiring skill were filled for the most part by native-born workers, and of these only a handful were unionized.

The Immigrants Begin to Organize

Then the foreigners began to make a stir. The Lawrence strike of 1912 broke suddenly, spontaneously. Some 30,000 men, women and children, were working in the mills of the American Woolen and other companies. They earned an average wage between eight and nine dollars a week—and a week meant from 54 to 58 hours; about one-quarter of them earned only \$6.50 a week or less. To keep alive at all, entire families had to go to the mills. Children were forced to leave their studies or starve; mothers left their infants with neighbors while they worked beside their husbands and elder children. A family which by its united labor managed to eke out twenty dollars a week was lucky—it could have bread almost daily and pay the rent for a dark hole in some vermin-ridden hovel. Lawrence was not exceptional. The other textile towns and the shoe towns were no better.

Statistics for 34 industrial cities in 1910 show that the death rate was higher in New England than elsewhere; of the seven

cities with the highest death rate, five were in New England and four of them were textile centers—Lowell led the rest with a death rate of 19.7 for every thousand population. In 1909, out of every 1000 children born in Lawrence, 172 died before they were one year old.

The strike began as a protest against a wage reduction. It quickly expanded to a demand for larger wages, shorter hours, improved conditions and the right to organize. The craft unions of the American Federation of Labor were neither equipped to absorb nor interested in these workers. Leadership of the strike fell to members of the Industrial Workers of the World. Arturo Giovannitti, labor organizer and poet, came to the forefront; so did Joe Ettor; Carlo Tresca; a dynamic young Irish-American girl, Elizabeth Gurley Flynn.

It was a desperate fight. The mill owners were taken unawares. They became hysterical. Frightful words were translated into a dozen languages. . . . I.W.W. slogans . . . "Labor is entitled to all it produces" . . . "Abolition of the wage system." The city police were reinforced. Police were borrowed from other towns. Several companies of militia camped in Lawrence. Meetings and parades were violently dispersed. A young Syrian was bayoneted to death by a militiaman. An Italian woman was shot to death. Hundreds were beaten and arrested. The horrifying truth about conditions in Lawrence became known outside, and labor unions and individuals sent funds to feed the strikers. A batch of the strikers' children was brought to New York and cared for in working class homes.

New dramatic emphasis was given to the strike by the arrest of Ettor, Giovannitti and Caruso on a dynamiting charge. It was a palpable frame-up, eventually exposed. They were tried in a cage in Salem while the whole world looked on. Fred H. Moore, a young Western lawyer, brilliant and daring, defended them successfully. A 15 per cent increase in wages was wrested from the American Woolen Company and lesser employers.

Other strikes followed throughout New England. The workers were in a ferment. Slowly, at enormous cost in suffering to hundreds of thousands, the beginnings of union organization were made in the industries of New England. The leaders in this organization—and in strikes which failed to bring about organization—were for the most part foreign-speaking, like those to whom they addressed themselves. They were “foreign agitators”—the breed most hated and execrated in exclusive New England clubs.

As labor won a measure of improvement, capital began to desert New England. In the South, the American-born workers were unorganized and docile, so the textile industry began to move South. The shoe industry met competition in New York and in the West. Profits declined. Sometimes there weren't any at all.

The ruling class, unable to estimate the economic and social forces which were sweeping them into oblivion, attributed all their ills to foreign agitators. If not for men like Sacco and Vanzetti—if not for the Giovannittis and Galleanis and Trescas—Boston, they believed, would still be the hub of the universe.

Sacco Active in Labor Struggles

The pattern which the intelligent minority of foreigners evoked from the chaos around them served them well in the day-to-day struggle. They saw all humanity as divided into a small class of owners and a large class of workers, and they believed that between these two classes there could be no peace.

Nicola Sacco, although himself comfortable by comparison, merged himself with the struggles of all workers for better conditions. He was among those who gathered money to feed the striking workers of Lawrence and for the defense of Ettor, Giovannitti and Caruso. Sometimes amateur theatrical performances were staged for the purpose, and Sacco acted in them.

It was at such a performance that he met Rosina, who became his wife. Rosina is North Italian, petite, auburn-haired, with a sprinkling of freckles, pretty and vivacious. Until then Nicola sometimes thought of going back to Torremaggiore. But with Rosina, the drabest town in Massachusetts seemed paradise. He bought her dresses and shoes and elaborate combs in the expensive stores in Boston. He confided to her his enthusiasms and his dreams of a resurrected world. The first child born to them was a boy and they named him Dante. Even after they were married, and after Dante came, they played together in benefit theatricals.

In 1913 Sacco helped conduct the three-months' strike at the Draper Company Mill in Hopedale, a town adjoining Milford where he lived. Joseph M. Coldwell, of Providence, who organized that strike, recounts in a letter to the writer of this book:

"Nick (Sacco) at this time was a shoe worker. The Draper plant was a machine shop, making textile machinery; so you can readily see that it was pure idealism that impelled Nick to take an interest in this strike. The industry in which he worked was not affected, but he was not so narrow-minded as to be interested only in the conditions of the shoe workers.

"Mass picketing, night and morning, was the order of the day during the strike. Every morning before going to his work, Nick would help to organize the picket line and would march with it, until it was time to go to work. In the afternoons he would leave his work as early as possible and take part in the picketing again. Nights, we would meet in committees, arranging relief work and other details. In these committee meetings Nick always took an active part. He was not an orator, or even a fluent speaker, but he was a mighty good worker in detail matters and never hesitated to do his share of the appointed work.

"Nick was never in the limelight during the strike. He was one of the silent, active, sincere workers, giving of his time and money to help his fellowmen. I looked upon Nick as one of my personal aides, having full confidence in his honesty and intelligence."

Once, in 1916, he was arrested with other speakers at a demonstration of sympathy for the strike which Tresca was leading on the Mesaba Iron Range in Minnesota. Primarily, though, Sacco was interested in Rosina and their son Dante and his home. He was concerned for workers on strike, and for fellow countrymen in need, because they seemed to him somehow part of his own family and his own life. They were his people. He sent regular remittances to his parents in Italy—and to defense funds for arrested labor men. He led a busy working-class existence, and made friends of all whom he met.

Vanzetti Becomes a "Goddam Agitator"

Vanzetti came to look upon Plymouth as his home. The Brini family took him in, and he was contented in the glow of their friendship. Less distracted by domestic duties than Sacco, and a more forceful writer and speaker, he took a larger share of the work of relief, propaganda, and discussion. He was often unemployed and often obliged to labor at tasks beyond his strength. But the comradeship of his fellow-workers, and especially of the anarchist and union groups, seemed to him to make up for all hardships.

Plymouth was dear to Vanzetti for its traditions of settlement by men seeking freedom of conscience. The slums of Plymouth seemed to him a stain upon those traditions. The unendurable conditions in the cordage factory, where he loaded great coils of rope day after day, seemed to him a mockery of that freedom.

Two thousand foreigners, mostly Italians, turned the sisal hemp brought from Yucatan into binder twine and rope. They received an average of \$12 a week and lived in miserable hovels. The ferment among the New England workers reached them. In 1916 they suddenly struck. No one called them out. Things just got to the point where they had to quit. The usual alarms in the press followed; the usual contingents of police appeared.

These workers called for Galleani to lead them. Vanzetti helped in the bitter fight which followed. When it was finished—and a slight wage increase had been won—the workers went back. But the employers would have none of Vanzetti. He was a “goddam agitator.”

CHAPTER VI

AMERICA HAS A RED NIGHTMARE

War Breeds a Huge Spy System

ON March 4, 1917, Woodrow Wilson was inaugurated to a second term as President, having been elected by a big popular vote because "he kept us out of war." Thirty-three days later, on April 6, the United States was neck-deep in the war. The "new freedom" which made Wilson the prophet of liberals and pro-war socialists came to flower in the Espionage Act of June, 1917, and the Sedition Act of May, 1918.

A vast official machinery of propaganda was set up in Washington which succeeded only too well in arousing hysteria and hatred. Official and private crusades to exterminate "spies" and "slackers" flourished in the land. The Department of Justice mushroomed into a spy system, with thousands of detectives and roughnecks frantically looking for—and frequently stirring up—trouble. The "intelligence" divisions of the government were supplemented by 200,000 private citizens charged with the high patriotic duty of spying on their neighbors.

Created for the ostensible purpose of hunting spies, this vast mechanism was promptly used to make war upon the progressive wing of organized labor. "Not a single first-class German spy or revolutionary workman was caught and convicted of an overt act designed to give direct aid or comfort to the enemy," say Professor and Mrs. Beard. "The occasion of the war which called for patriotic duties was seized upon by emotional conservatives as an opportunity to blacken the character of persons whose opinions they feared and hated." *

* Charles A. Beard and Mary Beard: *The Rise of American Civilization*, New York, 1927.

The officialdom of the American Federation of Labor joined in crusades against radicals.

Members of the Industrial Workers of the World were arrested, tarred and feathered, lynched. Dozens of them were crammed into the federal prisons, some for terms as high as twenty years! Militant socialists were jailed, among them Eugene V. Debs. Homes and clubs and schools were raided.

The rumblings of revolution heard above the roar of the cannon in Europe accelerated the fears, and consequently the persecutions, in the United States. A vehement call for international revolution came out of Russia, where the Soviets had taken all power.

In this maelstrom of fear and hate, the foreign population in the United States was most buffeted. The frightened foreign-language press exceeded itself in protestations of loyalty. Stampeded laborers everywhere rushed to buy Liberty Bonds. But this surface patriotism covered a vast chagrin. For all that may be said, foreigners consider themselves exiles, without hope of understanding or being understood by Americans; consciously or unconsciously they resent their inferior social status, the suspicion and dislike which surround them.

To the radical minority the war meant only a ghoulish scramble for spoils in which workers were sacrificed to the money-lust of their exploiters. Those among them who had the courage, defied the gigantic war machine. They refused to take part in what they considered a millionfold crime.

In May, 1917, a group of Italians went to Mexico to avoid the draft. Among them were Sacco and Vanzetti. Until then they had met casually at lectures and defense conferences. On the train, and subsequently in Mexico, they became close friends. Thirty of them lived a communal life in a group of adobe houses, working when they could and sharing all they possessed. Vanzetti found a place in a bakery and often took his wages in bread for his friends. Then they slowly filtered back across the border to their families and their jobs.

Sacco went back to Rosina and his son Dante, in Stoughton, Massachusetts. He got employment at the Three-K Shoe factory there.

Vanzetti returned to his room with the Brinis. He found odd jobs as an unskilled laborer. In the spring of 1919, at the urging of friends concerned about his delicate health, he bought the cart, scales and other paraphernalia of a fish peddler who was going to Italy.

Treat 'Em Rough!

The war for democracy had simmered down into the vindictive treaty of Versailles. The elaborate governmental control of the life of the country was relaxed. The railroads were handed back to their owners. Official fixing of prices of commodities was abandoned. "In only one relation," to quote the Beards again, "did the Wilson administration persist in exercising control over private affairs once justified by the demands of the war, namely, in the suppression of private opinion."

Long after the armistice, the Espionage and Sedition acts continued to be applied against labor. Albert S. Burleson continued to supervise the press. And the Department of Justice, under Attorney General A. Mitchell Palmer, launched a bitter war on the Reds.

The hatreds systematically whooped up during the war were seeking some outlet. Returning soldiers and the huge army trained to kill but prevented from killing by the armistice, itched for victims. Men of property, including those who had panned fortunes out of the streams of blood, were in a state of nerves. The proletarian army in Soviet Russia was resisting the onslaught of the whole non-Soviet world. Revolutionary outbreaks convulsed Germany and Hungary. The pre-war economic structure of Europe seemed on the point of crumbling and might carry America with it in the collapse. The steel workers struck, Seattle went through a general strike. Even the Boston police went on strike. The collapse of war indus-

tries and the demobilization of millions of soldiers glutted the labor market, and the industrialists were able to push their "open shop" campaign. A seething unrest was in the land.

All the ardors of Hun-hating were therefore turned against the Reds, the Bolsheviks. Every foreigner was suspect. The order of the day was "Treat 'em rough!" "Stand the goddam Bolsheviks against a wall and shoot them full of holes!"

In May, 1919, sixteen deadly bombs were intercepted in the mail at the New York Post Office. Several others reached their destination. One actually exploded, maiming a Negro maid in the home of Senator Hardwick of Georgia. The panic was immediately intensified. New unsuspected reserves of delirium were released. The newspapers, the federal and local police, the head of every Chamber of Commerce, the commander of every American Legion post, talked feverishly of May Day revolution, gangs of anarchists, Red plots.

Another bombardment on June 2 kept the fever from abating. Explosions were reported in Philadelphia, Paterson, Pittsburgh, Cleveland. In New York the watchman of a judge's home was killed. More important than these in its results was the explosion of a bomb in front of Attorney General Palmer's home in Washington. In the wreckage were found shreds of flesh and clothing, supposed to be those of the person who placed the bomb. Also, the police claimed to have found on the scene a leaflet entitled "Plain Words," warning the capitalist class of impending vengeance.

The combined police forces of the United States failed to trace the origin of a single bomb. Nevertheless the panicky public was assured that all the bombings were part of a Red plot. Persons of prominence hired private guards. Banks and factories put in stool-pigeons among their employees. The private detective agencies reaped a rich harvest. Societies of professional super-patriots grew in power.

Palmer got money from Congress and permission from the press to crush the imminent "revolution." What Louis F.

Post, assistant Secretary of Labor during this period, calls the "deportations delirium" was under way.*

"The whole red crusade," Mr. Post declares, "seems to have been saturated with 'labor spy' interests—the interests, that is, of private detective agencies which, in the secret service of masterful corporations, were engaged in generating and intensifying suspicions and hatreds." Whoever sent those bombs, fools or fiends, there is no question that it served the self-interest of the private detective agencies and the plans of Palmer's Department, where one such private detective, William J. Flynn, was the generalissimo. Palmer described Flynn as "the greatest anarchist-expert in the United States."

Red Raids and Deportations

The wholesale deportations were preceded by a series of raids without precedent in American history for brutality and defiance of legal formalities. They were carefully planned and stage-set in advance by the Department of Justice, with the connivance of spies operating inside radical organizations. The second anniversary of the Bolshevik Revolution was chosen as the date for the first of the nationwide raids. On the night of November 7, 1919, Flynn's agents and local police swooped down on workers' schools and clubs in the foreign sections of eleven cities. The hundreds of "anarchists" rounded up in this fashion included men and women who happened to be in these workers' headquarters accidentally, or were attending classes in "English for foreigners" and other subjects.

The raiding parties wrecked offices, files, furniture, and workers' heads. Most of the non-citizens were held for deportation. The papers spread themselves in descriptions of the "dangerous anarchists." A "red special" brought batches of the victims by rail to New York for deportation. Just before Christmas the steamship *Buford*, called the "Soviet

* Louis F. Post: *The Deportations Delirium of Nineteen-Twenty*, Chicago, 1923.

Ark" by the clever press, sailed with 249 Russians, among them Emma Goldman and Alexander Berkman. Many of them left wives and American-born children behind them. The red crusades were picking up speed.

"Hardly had the year nineteen-twenty opened," says Post, "when the Department of Justice entered upon the red crusade for which its raiding of the preceding November had been a tryout. Numerously recruited for the occasion from roughneck groups of the strikebreaking variety and actively supported by the local police authority, the detective auxiliary of the Department of Justice spent the night of the second day in January at raiding lawful assemblages in more than thirty cities and towns of the United States—thirty-three being the number officially reported. Their object was wholesale arrests in furtherance of the plans already outlined for mass deportations of alien members of the Communist and the Communist-Labor parties. The approximate number of arrests officially reported was 2,500."

A committee of twelve well-known lawyers subsequently gathered data on Palmer's frenzied crusade and published a documented report. These lawyers included Zechariah Chafee, Jr., Roscoe Pound and Felix Frankfurter of the Harvard Law School; Swinburne Hale, Francis Fisher Kane, and Frank P. Walsh. The report summarizes their findings in part thus:

"Under the guise of a campaign for the suppression of radical activities, the office of the Attorney General, acting by its local agents throughout the country, and giving express instructions from Washington, has committed continual illegal acts. Wholesale arrests both of aliens and citizens have been made without warrant or any process of law; men and women have been jailed and held *incomunicado* without access of friends or counsel; homes have been entered without search-warrant and property seized and removed; other property has been wantonly destroyed; workingmen and workingwomen suspected of radical views have been shamefully abused and maltreated. Agents of the Department of Justice have been introduced into radical organizations for the purpose of informing upon their members or inciting them to activities; these agents have even been instructed from Washington to arrange meetings upon certain dates for the ex-

press object of facilitating wholesale raids and arrests. In support of these illegal acts, and to create sentiment in its favor, the Department of Justice has also constituted itself a propaganda bureau, and has sent to newspapers and magazines of this country quantities of material designed to excite public opinion against radicals, all at the expense of the government and outside the scope of the Attorney General's duties."

Groups of "vigilantes" and ex-soldiers in many places added private raiding expeditions to those officially conducted and paid for by the American government.

The state of mind of radical aliens is easily imagined. They were hunted beasts. The mass of Americans cheered the hunters from the side-lines. Across the chasm which separated them from the foreign workers, the latter seemed to them scarcely human: "foreign agitators" and fair game.

The "social study circles" and theatrical clubs where radicals of the type of Sacco and Vanzetti were wont to congregate were disrupted. Many workers were held for months at Ellis Island or Deer Island or in the offices of the Department of Justice. Hysteria was so rampant in Massachusetts that prominent bankers paid for full-page advertisements against the "Red peril." In that State the raids were especially cruel. Boston, Chelsea, Brockton, Bridgewater, Norwood, Worcester, Springfield, Lawrence, Haverhill—in all of these cities working class districts were invaded, labor headquarters smashed, and hundreds herded into prisons.

Luigi Galleani was deported, as were others of the more active comrades of Sacco and Vanzetti. Many of them went through ordeals of "third degree" inquisitions before they were placed on board ship. One Italian deportee, Marucco, from Latrobe, Pa., died mysteriously before he reached Italy. Two others in Brooklyn, New York, were held *incomunicado*. They were Andrea Salsedo and Robert Elia.

CHAPTER VII

TWO REDS ARE TRAPPED

The Arrest

VANZETTI was selling fish to Plymouth housewives at this time. They got to know him and greeted him with a smile as he passed along his accustomed route, pushing the cart before him and ringing his bell. Italians, Russians, Jews, Greeks accepted the fish-vendor as a brother. To some middle-class Americans who later came to know Vanzetti's face—its ascetic leanness, its swarthy crinkling skin, its broad expanse of forehead, and particularly the ferocious mustache—seemed utterly strange, almost menacing. But to his own people and even to working class Americans that face appeared kindly and pleasant. The meditative smile was somehow more gentle in the shadow of a bushy mustache.

He stopped to chat, in Piedmontese, in Tuscan, in broken English. He inquired after the children and was always ready with sympathy for those in trouble. Sometimes, being a bookish man, he said things that made his customers marvel; a snatch of poetry out of Pietro Gori, perhaps, as he weighed out cod and halibut and haddock.

On Fridays and before holidays business was brisk. As much as \$100 or \$120 accumulated in his pockets on such occasions. At other times business fell to next to nothing. After the Christmas rush in 1919—all Italians buy eels for the Christmas Eve festivities—he hired himself out for a few days cutting ice. He shoveled coal and dug ditches. He helped clear the Plymouth streets of an unusually heavy snowfall and helped lay a water main for the Puritan Woolen Company. Then he went back to his cart. If earnings were generally smaller,

at least the life was more independent and congenial. He was in the open air, among friends.

In Stoughton, Sacco edged shoe-soles in the Three-K factory. He edged them so fast that he was the envy of his fellow-workers and the pride of his bosses, Michael F. Kelley and his son George.

He had rented a pretty bungalow next door to these Kelleys and they became great friends, although the prosperous Irish family could not understand Sacco's radicalism. There's no money in it, and besides it's dangerous nowadays, they argued. Be sensible, Nick, and stop worrying about the other fellow, they urged. Nick laughed in his hearty boyish fashion. Forget the millions who slaved in the mills? Forget his comrades in the prisons? You might as well ask him to forget his red-headed Rosina and baby Dante.

Sacco often got up with the sun to tend his little garden, put in a long day at the Three-K, and at night went back to his garden. His energy seemed endless. He was never too tired to go to a meeting of his comrades or to help a neighbor. He raised vegetables for himself and the Kelleys. He raised funds for the defense of friends held for deportation. At the same time he was stowing away a little money each week for a trip to Italy. The folks in Torremaggiore were eager to meet his Rosina and their little boy. Already he had more than a thousand dollars in the bank.

Occasionally Vanzetti came for supper. They loved to hear him talk: about the working class, the future of humanity, and such things. They respected him for his learning and loved him for his simple gestures of friendship.

The reports about the arrest and torture of their friends and acquaintances made them sad. It worried them, too. Any day the police might swoop down upon them and demolish their homes, separate them from their friends, put them through the fearsome ordeal of a "third degree." The arrest of Andrea Salsedo and Robert Elia, printers, in Brooklyn, New York,

meant only two more in a lengthening list. Their friend Ferruccio Coacci had been deported only a few weeks before, and Fruzetti, too.

Disquieting reports came from New York about Salsedo and Elia. They were not in the custody of the immigration officials at all, but in the hands of Department of Justice operatives in the Park Row building. They were being held *incommunicado*, it appeared, and there was every reason to believe that they were being tortured for "confessions." The remnants of the Galleani fellowship held a conference in East Boston on April 25, and decided to coöperate with the comrades in New York.

Vanzetti was delegated to go there and discuss the situation with Luigi Quintiliano, secretary of the New York defense committee, and Walter Nelles, their attorney. He made the trip and reported back to another meeting of the same group in East Boston. Vanzetti was disheartened. Our comrades are being cruelly persecuted, he reported. To avoid arrest ourselves, he urged, we must gather up all the radical literature in our homes and clubs and conceal it. Nelles had advised it. This was on May 2.

Next day, at dawn on May 3rd, a body plunged fourteen stories to the sidewalk in front of the Park Row building. It "struck the pavement with an impact that turned it to pulp." Those in charge of the Department of Justice offices at first attempted to hide the identity of the crushed body, but the reporters learned that it was Andrea Salsedo.

Even the press which had thus far winked at Palmer's doings was shocked by the bloody spectacle. The man's friends were convinced that Salsedo had been pushed out of the window. The passage of time has fortified this conviction. But the official version is not much more creditable to the jailers. They intimated that Salsedo, driven insane by whatever transpired in nearly eight weeks of secret imprisonment, had committed suicide.

Attorney General Palmer and the generalissimo of his spy system were greatly perturbed by the bloody corpse at their doorstep. They gave the press a version of the tragedy made more and more improbable and fantastic by their subsequent disposition of Elia. The two Italians, they wanted the world to believe, had confessed to complicity in the bombing exploits of the previous year, implicating their friends. "Salsedo and Elia disclosed some very important information in connection with the bomb plot of June 2, 1919," Palmer explained, "and with their consent and the consent of their attorneys they remained in the Department of Justice building in New York until the information furnished by them could be verified and other persons interested in the bomb plot could be located."

Palmer's associates garnished the tale with melodramatic detail. Salsedo and Elia, they declared, had asked to be kept under lock and key for fear of vengeance by their fellow-plotters. Arrests on the basis of their "confessions" were regarded as "imminent."

But strangely, the one person who could solve the mystery was prevented from talking. Robert Elia, the companion of Salsedo's imprisonment, was hustled to Ellis Island and hurriedly deported. Despite the "confessions" and the alleged "important information," there was not enough evidence to enable prosecution of Elia on a criminal anarchy charge. And the "other persons interested in the bomb plot" were never located. Presumably Palmer and his associates were glad enough to let the case sink into oblivion.

The news of Salsedo's death confirmed Vanzetti's worst forebodings. Two things, the Italian colony felt, must be done immediately. First, radical books and pamphlets must be removed to safe hiding; second, a public protest meeting must be arranged immediately, with Vanzetti, as the one best familiar with the facts, as principal speaker.

The meeting was arranged for the evening of May 9, at Brockton. A hand-written draft of an announcement was in

Sacco's pocket. "Fellow workers!" it began, "You have fought all the wars; you have worked for the capitalists; you have wandered over all the countries. Have you harvested the fruits of your victories? Does the past comfort you? Does the present smile on you? Have you found a piece of land where you can live like a human being and die like a human being?" Vanzetti, it promised, would answer some of these questions.

As to the dangerous literature, their friend Mike Boda owned a small dilapidated Overland car, then undergoing repairs at the Elm Square garage in West Bridgewater. This could be used for the purpose. On the evening of May 5 Vanzetti and Sacco took the trolley car at Stoughton to the garage, where Boda and Ricardo Orciani were waiting for them, having come on Orciani's motorcycle.

The garage owner, Simon Johnson, behaved peculiarly. He stalled for time. His wife, agitated and looking at the four foreigners with suspicion, hurried to a neighboring house. Johnson pointed out that the car lacked the current license plate and advised against its removal. The men agreed to this and parted, Boda and Orciani going off on the motorcycle in the direction of Brockton, Sacco and Vanzetti boarding a street car.

Shortly after the car crossed into Brockton, they were arrested. They were transferred to a waiting automobile and taken to the police station.

That was the end of the freedom of Sacco the cobbler and Vanzetti the fish-vendor. A trap had shut upon them and did not deliver them up until life had been burned out of their bodies in the electric chair, seven years and four months later.

Why the Trap Was Set

Sacco and Vanzetti were caught in a trap set for another—for Boda. This is how it happened:

A long series of violent crimes had disturbed the industrial

towns of New England—bank robberies, payroll hold-ups and the like. The press talked of a "crime wave" and criticized the inefficiency of the police. On November 17, 1919, for instance, a savings bank in Randolph was robbed of \$36,000 by four bandits in an automobile. On December 24 four men in an automobile made an unsuccessful attempt to rob a payroll truck of the L. Q. White Shoe Company in Bridgewater. On April 15, 1920, a paymaster and his guard were killed and robbed by five men in an automobile in South Braintree. These were only peaks in the crime wave. Every police official was on the alert to make arrests. Cash rewards were announced to stimulate their ardor.

The chief of police of Bridgewater, Michael Stewart—a simple small-town policeman—had recently been engaged in thrilling work. The notorious "Red plots" of which, like other Americans, he heard so much and saw so little, had been brought close to home. Upon the request of the Department of Justice he had arrested an Italian Red, one Ferruccio Coacci, living in a modest cottage in Bridgewater. Stewart felt close to the "big guns" in Washington. Coacci was released under bond pending deportation. Meanwhile Stewart helped the agents of Washington rout four Lithuanian workers out of their beds in one of the countrywide raids. On April 16, the day after the South Braintree robbery, he helped to turn Coacci over to the immigration authorities who deported the man two days later from Ellis Island, leaving Mrs. Coacci and their little daughter to shift for themselves.

Stewart had naturally looked upon the Coacci house with suspicion. Italians, all of them presumably Reds, came and went. After Coacci's deportation the Chief of Police sprouted the theory that this gang of Reds had had something to do with the unsolved robberies in his neighborhood. At the Coacci house he found Boda, who had been boarding with the Coaccis, and questioned him. His theory, however, was not yet sufficiently concrete to permit an arrest.

Later he learned that Coacci had once worked for the L. Q. White Company, whose truck had been assaulted by bandits on December 24. He also learned that Boda had sent his rickety Overland to a garage for repairs some days after the South Braintree murders. He decided to arrest Boda, but could not locate him. He therefore instructed the garage owners, Mr. and Mrs. Johnson, to let him know when any one came to claim Boda's car.

The longer he thought about it the more plausible his theory seemed to Stewart. The car which was believed to have been used by the South Braintree murderers was found abandoned in the woods a mile and a half or two miles from where Coacci and Boda lived. This was true of all the houses within the same radius, and there were cars, large and small, in many of these houses. But in this instance the inhabitants of the house were Reds. To Stewart's mind, defiance of law was defiance of law whether it took the form of murder or of reading Red newspapers. So the trap was set for Boda. When Mrs. Johnson went into the neighbor's house it was to telephone the police.

It snapped close on two men of whom Stewart had never heard, Sacco and Vanzetti. Boda, after the arrest of his friends, disappeared. Orciani was arrested next day but was released within forty-eight hours when it appeared that he had been at work on all the days of the unsolved local robberies.

Watched by Federal Agents

When the Department of Justice first became interested in Sacco and Vanzetti will never be known. Even if the secret files of the Department are eventually opened, it is not likely that documents bearing on Washington's interest in the Sacco-Vanzetti affair will be intact. Too many officials, high and low, will have faced the temptation of removing traces of their own connection with the matter.

But that the Palmer spy system was watching these men there can be no doubt. The readers of Galleani's *Cronaca Sovversiva* were all under suspicion. The anarchist groups were honeycombed with spies. The official hypothesis, never substantiated, was that some of Galleani's followers had printed the "Plain Words" leaflet found on Palmer's front porch after the explosion.

An Italian passing under the name of Ravarini had wormed his way into the confidence of some of the radical elements in the Italian colonies of New York, New Jersey, and New England. Even after Carlo Tresca had exposed him as an agent provocateur, others were slow to believe it. Ravarini's specific job seemed to be to rummage in radical printing shops, looking for the kind of type with which the leaflet had been printed. For this purpose he was especially active in provoking the unsuspecting Italians to publish new papers and leaflets, even contributing money for the purpose. He went from city to city proclaiming himself a "direct actionist" of the most violent brand, offering to deliver "blows" to the capitalist system.

This spy met Sacco and Vanzetti while operating in New England. One of his projects was the resurrection of Galleani's paper, with Vanzetti as editor. His purpose obviously was to find the type used by Galleani's paper, the whereabouts of which was unknown to Palmer and Flynn. Tresca's denunciations made life too hot for Ravarini and he disappeared; not, however, before effecting the arrest of those to whom he had posed as a generous friend. Among them were Salsedo and Elia. The sought-for type has never been found—probably for the simple reason that Palmer and Flynn looked for it among the radicals instead of among the private detective agencies. But as a by-product of this fruitless search there were many broken homes, a number of corpses, and a "line" on Sacco, Vanzetti, and others.

If Department of Justice procedure ran true to form, Massachusetts police must have been tipped off to keep an eye on

these people. Vanzetti was especially "dangerous," as he emerged as a spokesman in behalf of Salsedo and Elia. The coöperation of local and federal police against Sacco and Vanzetti did not require any special negotiations. It was already in operation before their arrest and was merely extended afterwards. The whole procedure was perfectly natural and usual.

The mechanism of the law and its human agents were going through their normal functions.

CHAPTER VIII

NEW ENGLAND IDENTIFIES TWO AGITATORS

A Compendium of New England's Fears

How did Sacco and Vanzetti appear to the New Englander, observing them curiously and with distaste across the chasms of social differences, economic status, language and ideas—and at a time when the Red menace was believed to be threatening American civilization?

These aliens by a strange chance combined in their obscure persons all the things that most offended and frightened a smug New Englander. In a section where family pride and an ingrown sense of racial superiority flourished, Sacco and Vanzetti were from the lowest social layer of wops and hunnies and polaks. At a time when Bolshevism gave householders nightmares, Sacco and Vanzetti were by their own confession reddest of the Reds. With the textile industry drifting to the South and the shoe industry to the West, in a period of strikes and discontent, Sacco and Vanzetti were self-confessed labor agitators. Amidst a raging blood-fed patriotism, they were slackers. In Puritan New England they were atheists.

It required no special effort or apparatus to generate fear of and hatred for the two men. They attracted the fears and hatreds already in full play. The belief of some that agents of the Department of Justice and of the State of Massachusetts got together and decided to electrocute them, innocent or guilty, is naïve.

It was not a frame-up in the ordinary sense of the word. It was a far more terrible conspiracy: the almost automatic clicking of the machinery of government spelling out death for

two men with the utmost serenity. No more laws were stretched or violated than in most other criminal cases. No more stool-pigeons were used. No more prosecution tricks were played. Only in this case every trick worked with a deadly precision. The rigid mechanism of legal procedure was at its most unbending. The human beings who operate the mechanism were guided by dim, vague, deep-seated motives of fear and self-interest.

It was a frame-up implicit in the social structure. It was a perfect example of the functioning of class justice, in which every judge, juror, police officer, editor, governor, and college president, played his appointed rôle easily and without undue violence to his conscience. A few even played it with an exalted sense of their own patriotism and nobility. The characters who appear in the following pages, giving evidence, making legal decisions, signing death edicts, are no different than others. There is every likelihood that, given the same circumstances, other judges and jurors and prosecutors and governors would have behaved as did Thayer and Katzmann Williams and Fuller. They are types of their kind, even as Sacco and Vanzetti are types of theirs.

Sleight-of-Hand to Get "Identifications"

There were no scareheads in the Boston press on the morning after Sacco and Vanzetti were arrested. A casual paragraph in one or two papers reported that two Italians had been taken in on suspicion. Italians were always being taken in on suspicion. The fact that these two were armed was not news either. It is a minor matter, under the Massachusetts law to possess arms, merely involving a small fine. Many peaceful hard-working Italians and Americans carry revolvers. Possibly it ministers especially to the touch of histrionic, to the flavor of melodrama, in some characters.

Sacco and Vanzetti on the day of their arrest were nervous. The memory of Salsedo's broken body in a pool of blood on

the sidewalk under his fourteenth story prison was with them; and the knowledge that their friend Elia was still in that prison. It was not a vague fear of deportation that agitated them, but a clear vision of prolonged torture for themselves and their friends.

They assumed that they were being held for their radicalism. Chief Stewart, of Bridgewater, questioning them in the Brockton police station that night, gave no hint that accusations of banditry and murder were in store. The questions fired at the two men were precisely those they had expected: Are you a radical? An anarchist? A communist? A Black Hand? An I.W.W.? Do you believe in the overthrow of government by force? Where were you going to-night and why? Who are your friends?

In answering these questions Sacco and Vanzetti lied fulsomely and in several respects contradictorily. They were especially anxious to hide the purpose of their expedition that evening. They were determined to give the police no clue that might lead to the arrest of their comrades.

In the following days they realized the magnitude of the charges against them. Orciani also had been taken prisoner. Frederick G. Katzmann, District Attorney of Norfolk County, took charge, with Captain William H. Proctor, head of the State police, and several Assistant District Attorneys coöperating. The newspapers in the county, and to a lesser degree the newspapers of Boston, woke up to the story. The three Italians were grilled about their movements on December 24 and April 15 last—the dates of the Bridgewater and South Braintree hold-ups respectively. The reporters recalled that the bandits in both crimes had been described by eye-witnesses as dark men, foreigners, possibly Italians. The arrested men fitted this general description—as would any three of 100,000 of their countrymen in the vicinity. And they were Reds.

The officials put their prisoners through an ugly and deliberately dishonest procedure. In all the discussion of the

case in the seven years that followed, no one has dared to defend it. Sacco, Vanzetti and Orciani were exhibited to eye-witnesses of the crimes in a manner which assured "identifications" of a sort. Normally the police practice is to place a suspected person in line with others of the same general physical type. The eye-witness is then asked if he can pick out the criminal he saw in action. The Norfolk County officials, however, took no chances. The prisoners were placed before prospective witnesses singly.

About fifty men and women and a boy who had been near the scenes of the crimes were gathered in a large room at the Brockton police station. The prisoners, worn down by long grilling and without being permitted to shave, were paraded before these eye-witnesses. They were flanked by policemen in uniform.

Moreover, to assist the tardy or uncertain memories of the audience, the prisoners were ordered to simulate the postures of bandits. If a witness remembered a man with tousled hair, the hair of the prisoners was tousled to complete the picture. If a bandit had been seen crouching with revolver extended, Sacco, Vanzetti, and Orciani, in turn, were posed crouching with hand extended. The three men had no lawyer and were not informed that the procedure was illegal. To make assurance doubly sure, Sacco and Orciani were taken to the murder scenes in an automobile roughly resembling the murder car. Exhibitions similar to the one in Brockton were staged at Bridgewater, Dedham, Needham, Milford. At South Braintree the whole tragedy of April 15 was rehearsed with Sacco and Orciani in the rôle of bandits.

Vanzetti, for reasons that have never been explained, was not taken on this tour of exhibition. The evidence against Vanzetti, as revealed in the subsequent trials, was so flimsy that it is probable that he had not been scheduled for the South Braintree charge in the beginning.

After all this effort to insure "identifications," the prose-

cution obtained results which were almost nil. The judge who presided at the trials was obliged to admit years later, in denying certain motions, that "these verdicts did not rest . . . upon the testimony of eye-witnesses."

But enough near-identifications were elicited to charge Vanzetti formally with participation in the Bridgewater crime. Orciani was headlined as a Red bandit by a local paper—and released when proof that he was working on the crucial dates was brought into court. Three witnesses who "identified" Sacco lost assurance two weeks later when brought before Judge Avery, the committing judge, on May 18.

"I might be mistaken," said Louis L. Wade.

"I do not say positively," said Frances Devlin.

"I do not think my opportunity afforded me the right to say he is the man," said Mary Splaine.

They were the only witnesses. Nevertheless, Judge Avery bound Sacco over for the grand jury on a charge of murder.

The arrest of Sacco and Vanzetti made no stir in radical circles. Except among their immediate friends, the case was unknown to the radical and labor movement of America. Tresca's anarcho-syndicalist weekly *Il Martello*, published in New York, gave it some space. The Italian defense committee in New York offered to help the group in Boston which had formed itself into a Sacco-Vanzetti Defense Committee. The organization headed by Elizabeth Gurley Flynn, the Workers' Defense Union, interested itself. But for the mass of workers, even the elements furthest to the left, the case did not exist until many weeks after Vanzetti had been found guilty of the Bridgewater crime.

Purpose of Vanzetti's First Trial

A great deal of misunderstanding has been occasioned by this first trial and conviction. The impression was created that Vanzetti had a criminal record. This was untrue. *Neither Vanzetti nor Sacco had ever been accused or convicted*

of any crime prior to this arrest. An effort was made to fit them into several unsolved crimes. Sacco produced incontrovertible proof that he was at work on December 24, the day of the Bridgewater hold-up. He was not at work on April 15. Only the South Braintree charge therefore was fastened upon him. Vanzetti, being his own employer, could less easily prove his whereabouts on either date. He was accordingly accused of both crimes. In other words, there was only one arrest but two charges against Vanzetti.

The indictment for the South Braintree murders, however, was not returned until after Vanzetti had been tried and sentenced for the Bridgewater affair. In fact, the indictment and the conviction which followed were made easier by this "criminal record" established *after* his arrest.

The first trial, of Vanzetti alone, took place in Plymouth, where he had been a leader in a bitter strike against the largest industrial plant in town—the cordage works. Judge Webster Thayer of the Superior Court presided. Katzmman conducted the prosecution.

CHAPTER IX

VANZETTI GETS A CRIMINAL RECORD

Enter Thayer and Katzmann

JUDGE WEBSTER THAYER, a small, shriveled man lost in the folds of a black judicial robe; thin lips that rarely smile though they sometimes bend into a sneer; sharp features and small nervous eyes in a pinched gray face. He carries his title as though it weighed tons and speaks in a voice thin but pontifical. Thayer is a stickler for form; too legalistic to appreciate substance. His every gesture proclaims to the world, "I am Massachusetts!"

There was no reason why he should feel anything but contempt for the man in the cage—the man with a swarthy skin and a ferocious mustache. Thayer believes with every one of his class whom he meets in clubs and on golf links that foreign agitators are undermining Massachusetts, depressing its standards of living. . . . But he is not one to deny any man his day in court. All the forms would be observed.

Vanzetti was known to the political powers of Plymouth. He was one of the foreign agitators who struck against the largest cordage company in the world, the company which practically owns Plymouth. That was one of the first biographical details featured in the papers after his arrest.

The trial began on June 22, 1920. A jury of farmers chiefly, except one, Nickerson, who was a foreman at the Plymouth Cordage. Prosecutor Katzmann is ruddy, well-fed and jovial . . . almost playful in handling witnesses. He looks at the jurors significantly. He is a good actor. He frames questions that embarrass and confuse his victims; he seizes

upon an inept phrase or a slip of memory to maneuver them into contradictions. All of this is right and proper. Katzmann is a good prosecutor—that's what the Norfolk County taxpayers hired him for.

The courtroom was crowded. Folks from Bridgewater were especially interested. A daylight hold-up is a blot upon the fair name of their town. The prisoner lived up to their preconception of a bandit. No one smiled at Vanzetti, not even his attorney. A few Italian friends sat huddled in the rear, intimidated by the court procedure. They were strangers in the court of the Americans.

Vanzetti's lawyer was John Vahey. Vahey has defended many criminals. He has excellent connections in the underworld; his brother is something of a political power in the county. This was just another robbery trial to Vahey. He had been gotten into the case by an Italian "runner," a fellow Govoni, who drummed up business for lawyers. Vanzetti's friends, frightened and inexperienced, were easy bait.

Persons close to the Sacco-Vanzetti defense, and Vanzetti himself, have always believed that Vahey betrayed his client. The fact that he later went into law partnership with Katzmann gives color to this belief. Vanzetti, in a letter published by the defense group, says of Vahey and Govoni: "They rail-roaded us to the electric chair, and this they did most consciously and intentionally." However that may be, there is at least no doubt that Vahey conducted the defense in a slipshod fashion. He failed to round up eye-witnesses for his own side; he failed to file a bill of exceptions. For fear of exposing his client's political opinions, which the jurors knew anyway, he kept him from testifying in his own behalf, thus arousing a presumption of guilt.

A Farcical Trial

The Bridgewater hold-up occurred at 7:45 in the morning. As the L. Q. White Company's pay-truck, with three men

and about \$30,000 on board, drove up Broad Street towards Hale Street, two men on foot began firing at the three on the truck. The fire was returned. One bandit had a revolver, the other a shotgun. The truck escaped around a trolley-car, and the bandits got away in an automobile waiting on Hale Street.

Vanzetti, according to the prosecution's theory, was the bandit with the shotgun. He had only one defense, a simple one. He brought about thirty witnesses to the stand who testified to his presence in Plymouth, 28 miles away, before, during, and after the hour of the crime in Bridgewater. He was up early that morning and worked late that day delivering eels for the Christmas Eve feasting. He had previously made a house to house canvass of his customers and taken orders for eels. He was selling them at 35 cents a pound at the same time that Boston stores were exacting a dollar or a dollar and a half. Naturally he got many offers.

But all his witnesses were Italians, since his customers that day were Italians. So it could be made to look like a conspiracy, a case of "wops sticking together." Katzmänn made that clear enough in his questions.

Louis Bastoni, an Italian baker, testified that at 7:45 sharp Vanzetti was at his bakery shop asking for a loan of the delivery wagon. It would expedite the distribution of the eels. Bastoni was sorry to deny the request, he, too, had holiday deliveries to attend to.

"How in the world do you know that it was exactly 7:45?" Katzmänn thundered.

"I remember," the Italian baker replied, "and I will never forget that while Vanzetti was leaving my bakery, I heard the Cordage Company's siren whistle of a quarter to eight o'clock."

Beltrando Brini, a thirteen-year-old boy, testified that he helped Vanzetti make deliveries early on the 24th. He was with Vanzetti before eight o'clock. The boy was grilled by

VANZETTI GETS A CRIMINAL RECORD 61

Katzmann for two hours and recalled for another hour's grilling the following day. His story was not shaken.

One after another they came to the stand and told of seeing Vanzetti on the street, of receiving eels from him. But they made an aggregation which would scarcely impress a jury of Yankee farmers. Stout Italian housewives in aprons, uncouth laborers, a few small businessmen—ill at ease in the court, struggling with a foreign tongue. It was easy work baiting them and Katzmann had a good time. The jurymen chuckled and nudged each other in the ribs.

Much later the state has sought to place the blame for the injection of the "radical issue" upon the defense. No one injected the issue. There was no need to do so—it was already there. But even in the technical sense of the court record, Katzmann was the first to bring the matter into court. Cross-examining one of Vanzetti's witnesses, John Di Carlo, the prosecutor asked insinuatingly:

"Have you ever discussed government theories over there between you?" and "Have you discussed the question of the poor man and the rich man between you?"

The purpose of such questions, of course, was to convince the jurors that this collection of Italians were mostly Reds trying to save another Italian and another Red. In the same fashion he asked a defense witness, Michael Sassi, whether he had heard Vanzetti speaking of his political ideas, whether he had heard Vanzetti making public speeches?

To disprove the cumulative alibi several contradictory, badly patched "identifications" were advanced by the state.

Benjamin J. Bowles was one of the men on the pay-truck. He was at the same time a special officer for the shoe company and a member of Chief Stewart's police force, the same Stewart who was exerting himself to convict Vanzetti. On May 10, at the preliminary hearing, Bowles testified that the shotgun bandit's mustache was "short and croppy." At the trial he amended the description to make the mustache

"bushy." Three times he stated at the preliminary hearing that he was "pretty positive" that the bandit was Vanzetti. At the trial such equivocation was eliminated. He was "positive."

Consider Bowles' opportunity for observation. By his own account of the affair, he had seized the wheel after the chauffeur fainted away. With the left hand he drove the truck and with the right he fired at the bandits. All of it lasted a few chaotic seconds. Nevertheless he described in detail the bandit's hair, eyes, face, and clothes. His memory was so photographic that it corresponded exactly with the prisoner before him.

Frank W. Harding, better known as "Slip," originally described the shotgun bandit as "smooth shaven" to a reporter of the *Boston Globe*. In the preliminary hearing he talked of an "overgrown Charlie Chaplin" mustache. By the time the trial came he was ready to identify Vanzetti. The value of his identification may be measured by the fact that he also had "identified" Orciani, whose perfect alibi saved him from trial.

Paymaster Alfred E. Cox, in the preliminary proceedings, asserted many times that the shotgun man, in contrast to the other bandit, was "short and of slight build." When the case went to trial Cox carefully patterned his answer after Bowles. "Five feet eight inches," said Bowles on the stand. "Five feet eight inches," said Cox after him. Such agreement upon an observation made while shooting and being shot at approaches the miraculous. But Cox did not go the whole way. He refused to make his identification positive.

Miracles multiplied when Mrs. Georgina Brooks took her oath. Going along the street early that morning she became curious about an automobile—why she could not explain. There were four men in it. Three she did not notice—the fourth was a man with a dark face, a mustache and a dark, soft hat. He "seemed some kind of a foreigner." She looked

twice at that man, and he paid in kind by looking back "severely."

"That man," she testified, "I should judge was the defendant."

From the street she went to a railroad depot a block away: 300 feet away from Hale Street and 75 feet back from Broad Street. She was looking through a specified depot window when the crime took place. She heard the shooting and she saw "fire and smoke from a gun." But unfortunately for the woman's testimony, *a two-story frame house on Broad Street completely shuts off the view of the crime area from the depot window!*

Mrs. Brooks was followed by a 14-year-old high school boy, Maynard Freeman Shaw. This boy stood behind a tree and had a fleeting glimpse of the shotgun man running, 145 feet away.

"I could tell he was a foreigner by the way he ran," young Shaw testified at the trial.

"What sort of a foreigner?" asked the defense.

"Either Italian or Russian."

"Does an Italian or a Russian run differently from a Swede or a Norwegian?"

"Yes."

"What is the difference?"

"Unsteady."

The question of innocence or guilt necessarily revolved around these identifications as opposed to the alibi witnesses. Other tenuous "evidence" was worked in by the prosecution. There was, for instance, a heroic attempt to prove that Vanzetti had once had a "Charlie Chaplin" mustache, or that he trimmed his mustache, in order to bolster up the contradictions of Bowles and Cox. Two Plymouth policemen who had often seen Vanzetti pushing his cart testified that he always wore the same bushy mustache. An Italian barber so testified.

The trial lasted into the first week of July. Vanzetti was not permitted to go on the stand and speak in his own behalf. You will be asked to explain socialism and anarchism, Vahey warned him, and everything you say will set the jurors against you. And your horrible English will make a bad impression, Vahey warned.

Katzmann earned his pay from Norfolk County. His summation at the conclusion of this trial was a masterpiece of innuendo, relieved by some humor and ending in a ringing call to duty. Then the thin lips of Judge Thayer read the instructions to the jury. There were two counts against the defendant, he pointed out, "attempt to rob," and "attempt to kill." The jury must disregard the second count for which there was insufficient evidence and consider only the first.

The jury was too anxious. It disregarded instructions and returned a verdict of guilty on both counts. Thayer discreetly overlooked this undue fervor. He sentenced Vanzetti only for the "attempt to rob." The prisoner before him was a "first offender," never known to have associated with criminals, with a record of hard work and sober living. These are elements which normally recommend mercy for a prisoner. For this reason the judges theoretically have leeway in meting out punishment.

Thayer imposed upon Vanzetti the utmost penalty, fifteen years' imprisonment! Let Vanzetti comment on this:

"But Thayer was not satisfied with so little . . . in sentencing me, he insulted my principles, my ideals and the truth, saying 'The defendant's ideals are cognate with the crime.' Those words alone prove irrefutably the Judge's prejudice and hatred against our persons and our principles. Thus ended the obscene parody of a trial known as the Plymouth trial, that split my existence and plunged in sorrow and mourning the hearts of beloved ones."

"The defendant's ideals are cognate with the crime," said Thayer.

The saying stands to give the lie to his claims of fairness and to the claims of fairness made in his behalf by the higher courts.

Vanzetti had been quickly provided with a "criminal record." As a convicted criminal, he was put into the State Penitentiary at Charlestown, a suburb of Boston. Sacco was placed in the Dedham jail. On September 11, 1920, both were indicted on a charge of murder in the first degree for the South Braintree crime. They were arraigned and pleaded not guilty on September 28. No appearance of counsel in their behalf was filed until November 18, when Fred H. Moore formally undertook their defense.

CHAPTER X

A LABOR LAWYER ENTERS THE CASE

Fred H. Moore Defends Sacco and Vanzetti

FRED H. MOORE arrived in New York in the autumn of 1920. He had just extricated Charles Krieger, an I.W.W., from the grip of the Standard Oil crowd in Tulsa, Oklahoma, and was determined to settle down and build a practice. After a strenuous labor case he frequently made resolutions to settle down. But always something new came up that challenged his sense of social justice. With a generosity that would have killed a less robust mind and physique he gave of his brilliant powers as a lawyer and an investigator, doing the work of half a dozen.

The story of Moore amounts almost to a story of the American labor movement at its fighting front in the last twenty years. He was active in the San Diego free speech fight in California. He took part in the Spokane free speech fight. He saved Ettor, Giovannitti and Caruso from the electric chair in Massachusetts. He worked with Darrow in the Mac-Namara case. He wrested 74 "Wobblies" from a murder charge following the massacre of I.W.W. members in Everett, Washington; was one of the defense counsel in the big Chicago trial of I.W.W. leaders on war obstruction charges and defended the "Wobblies" in the Wichita, Kansas, case.

From trial to trial he went, always in the interest of unpopular causes. He had begun his legal career as corporation counsel for railroads in the Northwest. Later he was well on his way toward attaining a respectable and lucrative clientele in Los Angeles when dismay over the injustice to

which workers were being subjected made him a wanderer over the face of the country. An American of many generations, physically and culturally close to his countrymen, he had nothing of the foreign-born attorney's feeling of intrusion. Anywhere from Seattle to Boston he was on home grounds. His ability was unquestioned. He was shrewd, dynamic, fearless and at the same time a penetrating student of the law.

The men he defended were mostly Americans. Only on rare occasions, as in Lawrence, were they aliens. He learned in years of battling that it made little difference: all the force of the community was directed against the labor agitator, whatever his nationality. All the hatreds that could be mustered were enlisted against the I.W.W., the labor organizer; racial hatred merely helped where it was available.

The Krieger case had been a lusty winning fight, in which he had defeated the Standard Oil and the Tulsa *vigilantes* single-handedly in two dramatic trials. He did not relish another labor case at the moment. When he agreed to go to Boston at the urging of Carlo Tresca and Elizabeth Gurley Flynn, it was for the purpose of making a report on the Sacco-Vanzetti affair.

But what he found challenged the lawyer and the humanitarian in Moore. He found that Vanzetti had been hustled into a fifteen years' prison term through a farcical trial. The prosecutor, he found, had played a cat-and-mouse game with an immigrant caught in a tangle of legal terms, intrigue, and bald prejudice. With the memory of Lawrence and Everett and Tulsa in his mind, he saw more clearly than any one else how strings were being tightened for a sure and speedy conviction of Sacco and Vanzetti on evidence as tenuous as in the Plymouth trial.

So again his resolutions to "settle down" were postponed. He remained in Boston four years, years in which the Sacco-Vanzetti case grew to international stature.

A Class Defense Against a Class Prosecution

The immediate friends of the two prisoners had organized themselves into a Sacco-Vanzetti Defense Committee, with Frank Lopez as secretary and Aldino Felicani as treasurer. Moore's analysis of the Plymouth trial and the various preliminary hearings for the first time gave them a concrete basis for an appeal to the opinion of the labor movement and public opinion in general.

The obscurity of the case until then may be judged from the following incident: A former city editor of the socialist *New York Call* was induced by Tresca to go to Boston and look into the case with a view to writing a piece about it. This man spent two days in Boston and returned to report that "there's no story in it . . . just a couple of wops in a jam." Even radical publications steered clear of the case. It might be some sort of a "Black Hand" affair after all—so strong is the libelous legend about Italians in the minds of Americans!

With the entry of Moore the defense acquired an extraordinary vitality. Those around him caught his own vision of the case as somehow a test of the whole judicial system. Art Shields, then John Nicholas Beffel, American newspapermen known to the labor press, became convinced that the men were innocent and began to tell the story to their readers. Shields wrote a pamphlet, *Are They Doomed?*, which for the first time gave a complete picture of the case. Beffel's article, "Eels and the Electric Chair," appeared in the *New Republic*. As New England correspondent for the Federated Press he wrote the story of the Sacco-Vanzetti affair as it developed across a year.

Liberal and labor publications began to give their space with less apprehension. Anarchist and communist publications in Europe and South America interested themselves. A news article appeared in the socialist *Avanti!* in Rome. By the

time the trial in Dedham opened, millions of readers of labor papers throughout the world, and many liberals, were interested in the outcome.

One of the first things Moore did was to expose those who were attempting to trade on the Italians' lack of familiarity with legal procedure. He arranged for the arrest of a Mrs. DeFalco for making overtures to the defense committee involving a bribe and the hiring of Katzmans' brother as defense attorney. He recognized the case as the crucial test of Massachusetts justice which it subsequently became.

Judge Thayer tried to prevent Moore from defending the two Italians. He was "irritated" by Moore and glared at him most unjudicially. The same would have happened to any lawyer who undertook to defend Sacco and Vanzetti—unless, like Vahey in the Plymouth court, he offered no real defense. Moore associated with himself Judge Thomas McAnarney and his brother Jeremiah, both outstanding figures in the bar of Norfolk County. The McAnarneys, too, got short shrift from Thayer. Five years later, Thayer, in an official opinion, impugned the sanity of William G. Thompson, an ultra-conservative leader of the Massachusetts bar, for daring to defend Sacco and Vanzetti. The Boston newspapermen who covered the trial, seasoned reporters with as little sympathy for the defendants as Thayer himself, became staunch friends of Moore.

The case was complicated, its ramifications extending into the whole social and industrial fabric of the state. The defense was confronted by the whole machinery of the county and state police—assisted by the Department of Justice—making a supreme effort to obtain a conviction. Moore faced four years of relentless, high-tensioned fighting and he did a monumental work.

He was in the fight with open eyes, completely aware of the powers aligned against him and devoid of illusions as to the innate fairness of the judicial process. He not only exposed individual perjurers, but mercilessly uncovered the

conscious and unconscious class motives operating behind the persecution. Musty, bookbound lawyers were abashed by Moore's frankness and courage. Fastidious optimists, even among liberals supporting the case, raised shocked eyebrows.

If not for Moore's tactics, Sacco and Vanzetti would have been convicted and disposed of in Dedham as silently and expeditiously as Vanzetti had been convicted and sentenced in Plymouth before his arrival.

CHAPTER XI

MELODRAMA IN DEDHAM

An Atmosphere of Terror Created

THE trial of Sacco and Vanzetti took place in Dedham, seat of Norfolk County. Originally scheduled for February 5, 1921, it was postponed by request of the defense to March 7, then to May 31, on which day it opened. The intervening time was used to prepare the defense.

Dedham is a quiet, genteel town, where well-to-do Bostonians and small New England farmers live genteel lives aloof from the foreigners who are overrunning the state. Its streets are shaded by ancestral elms and its houses have an old colonial flavor. It is a retreat from the turmoil of Boston and the smoke and squalor of nearby towns.

A sensation such as this case does not often disturb the serenity of Dedham. The forthcoming trial was being discussed in the press, in clubs, on street cars, at dinner tables. The men entered court ineradicably branded as "dangerous Reds." Everything in the court setting and the treatment of the prisoners reinforced this impression a hundredfold.

For the seven weeks of trial Dedham confidently expected that Black Hand and Bolshevik desperadoes would swoop down on the courthouse to wrest their leaders from the hands of the law. And the Commonwealth of Massachusetts encouraged the expectation by standing ready to repel the attack.

State troopers and city police guarded the entrances to the courthouse. Rows of uniformed police sat in the courtroom. The steel cage in which Sacco and Vanzetti sat was watched by alert deputies. Visitors were searched for hidden weapons. Four times each day for seven weeks the prisoners were led

in the gutter of Dedham's elm-shaded streets from jail to court and back, handcuffed and surrounded by a heavy guard. Ladies peeked at the scene from behind drawn window blinds. At the slightest provocation the burly deputy sheriffs shouted "Stand back!" to the curious boys trying to get a glimpse of the "murderers." As a piece of stage-setting this business was superb.

In some sections of the country the anti-Red hysteria had begun to subside. The bombings and deportations were emerging as a "gigantic and cruel hoax." But hatreds die hard in Massachusetts. There was ample fuel to keep the war fever burning. The bodies of war victims were arriving from France. American Legion posts and Women's Auxiliaries were in process of formation. "Treat 'em rough!" was still the slogan. All of it fitted in perfectly with the melodrama of the guards and searchings. The references to "patriotic duty" which were made throughout by judge and prosecutors were not empty Fourth of July phrases—they referred to bodies of beloved brothers and sons arriving from France and served to deepen the prejudice against Sacco and Vanzetti.

The Jurors are Selected

Of five hundred veniremen only seven were chosen as jurors. Men were afraid of the Reds and the Black Hand . . . they didn't want to get mixed up in the affair. Most of them sought refuge in conscientious objections to capital punishment. Judge Thayer was infuriated by such evasions. "What!" he stormed. "Do you mean to set up your own opinion against the established opinion of the Commonwealth!" Under the Massachusetts procedure the judge is the only one who questions veniremen. Moore suggested that he ask them whether they belonged to secret societies, whether they were opposed to labor unions, *etcetera*. Thayer indignantly refused; these matters seemed to him unrelated to the trial in hand.

The defense used its peremptory challenges to the limit. But it was like choosing among peas from the same pod. The minds that were to judge the two Italians in this residential backwater were of the same pattern. When more veniremen were needed, the sheriff was sent out to bring "representative citizens," "substantial," and "intelligent" from the "highways and byways" of the county, as prescribed by the law. The sheriff didn't go to the highways and byways. He knew a short-cut for obtaining men of the caliber he needed. He brought in 175 prospective jurors rounded up in gatherings of Masonic lodges and similar places. The necessary five to complete the jury were selected from these.

The foreman of the jury was Walter Ripley, an old man who once was Chief of Police of Quincy. His life-long friend, William H. Daly, in an affidavit later disclosed that Ripley in the opening sessions of the trial, before any evidence had been introduced, declared that "Sacco and Vanzetti should be hung!" The other eleven, simple superstitious homeowners, were immensely impressed by the opinions of a former police chief.

There was another, an unofficial jury in the court-room. Its verdict would not be recorded on the law-books, but it was destined to stir the world. Several New Englanders in whom the traditions of the American Revolution and the Abolitionist movement were still alive were in court, among them women like Mrs. Elizabeth Glendower Evans and Mrs. Jessica Henderson. Mrs. Lois B. Rantoul was there in behalf of the Greater Boston Federation of Churches. Marquis Ferrante di Ruffano, Italian Consul in Boston, sat through the entire trial. Members of the defense group and representatives of the labor press were there.

Judge Webster Thayer, more sallow and shriveled and tight-lipped with every year, was again presiding at a trial of men whose ideals of a reborn world he considered "cognate" with robbery for personal gain. Katzmann, as jovial and

tricky as ever, prosecuted with his first assistant, Harold P. Williams, at his side. Associated in the defense with Moore were Judge Thomas McAnarney and his brother Jeremiah J.; and in lesser capacities, William J. Callahan and John A. Lyons.

Flag-Waving at a Criminal Trial

On the opening day of the trial, when Chief Ripley led his eleven jurors to their seats, he halted dramatically before the American flag near the judge's rostrum, drew up to his best military height—and saluted. It was a solemn ceremony repeated many times, while the lives of two "draft-dodgers" were in the balance. It set the tone of the party.

The trial went on until July 14. The last words left with the jurors by Katzmman was a direct, a shameless appeal to their patriotism:

"Gentlemen of the jury," he exclaimed, "do your duty! Do it like men! Stand together, you men of Norfolk!"

The first words uttered by Judge Thayer in his instructions to the jury drove home Katzmman's appeal. They evoked memories of the war and sharpened the hatred of the jurors for the men whom they must judge.

"The Commonwealth of Massachusetts," His Honor orated, "called upon you to render a most important service. Although you knew that such service would be arduous, painful, and tiresome, yet you, like the true soldier, responded to that call in the spirit of supreme American loyalty. There is no better word in the English language than 'loyalty.'"

This motif rang through the whole trial. At every opportunity the prosecution whipped up the patriotic fervor of the jury. The judge refused to curb them; more, he emphasized their points by rephrasing questions more adroitly. The first question Katzmman fired at Vanzetti was, "So you left Plymouth, Mr. Vanzetti, in May, 1917, to dodge the draft, did you?" This, with a knowing glance at the jury, spoke

volumes. "When this country was at war," Katzmann continued, "you ran away so you would not have to fight as a soldier?"

With Sacco he pursued the same tactics; not direct questions of fact, but questions subtly shaded to distort the Italian's views.

In telling of a trial it is easy to forget the defendants. Their rôle is for the most part passive. Attorneys speak for them. Their rôle is to sit in a cage day after day and to be led through the streets like wild beasts.

These two were not "good defendants." They strained at their chains. Sometimes they interrupted the flow of perjury to shout "You lie! You lie!" Several times, when the absurd legal rituals amused them they laughed aloud. Such things are not done in the hushed, sacred precincts of a Massachusetts court. The jury was outraged. No, Sacco and Vanzetti were bad defendants. And they proved bad witnesses also, proudly, defiantly exposing their beliefs and their hopes instead of concealing and glossing over and ingratiating themselves with judge and jury.

Rosina Sacco came to court every day, with baby Inez, born soon after her father's imprisonment, in her arms. Nicola kept looking at them. . . . Occasionally he was allowed to take his baby in his arms and fondle her. Inez was the only person in court not suspected of carrying concealed weapons.

CHAPTER XII

THE EVIDENCE IN THE DEDHAM TRIAL

The Crime

Two bandits attacked and killed a paymaster and his guard, Frederick Parmenter and Alessandro Berardelli, at about 3 o'clock in the afternoon of April 15, 1920, in South Braintree, Massachusetts. The murderers seized two boxes containing the payroll of the Slater & Morrill Company, amounting to \$15,776, and escaped in an automobile in which three confederates had been waiting.

The Commonwealth of Massachusetts charged that one of the two who did the shooting was Nicola Sacco and that among the three in the automobile was Bartolomeo Vanzetti.

The crime was committed in front of the four-story Rice & Hutchins shoe factory on Pearl Street, filled with workers. Other workers saw the crime from the windows of the Slater & Morrill shoe factory. In addition, numerous laborers were in an excavation on the other side. A train had just come into the nearby station, letting off many passengers, who were walking along the street when the automobile sped by.

The shoe workers in the two factories, the laborers in the excavation, the pedestrians—these were the potential eyewitnesses. Dozens of them were brought to the stand. With a few exceptions, they testified that the crime action was too exciting and the time too short to attempt identifications; they had no more than a fleeting glimpse of the bandits. Thirty-five, however, claimed to have had a sufficiently good view to attempt to describe their impression of one or more of the bandits. Of these, one claimed to identify Vanzetti;

four claimed to identify Sacco; the rest were uncertain or stated definitely that Sacco and Vanzetti were not among the bandits.

The circumstantial evidence on which the prosecution asked for a conviction was substantially the same for Sacco and Vanzetti. It was based largely on the allegation that the prisoners, when arrested, revealed "consciousness of guilt" in their general behavior. But the direct evidence—identifications and revolver testimony—was different for the two men, both as to kind and volume.

Because they were tried jointly, each of them carried the weight not only of the evidence against himself, but that against his comrade. Vanzetti faced the jury as a "convicted criminal." Counsel agreed to keep this fact out of the record; an agreement for which the prosecution exacted an exorbitant price—the exclusion of testimony of Vanzetti's good character before his arrest. But the jury knew of this conviction and of necessity regarded Vanzetti as a man with a "criminal record." The very telegraph poles in the county knew of the Plymouth conviction, as Vanzetti himself once put it. Because they were tried together, this conviction acted with equal force against Sacco.

The refusal to give Sacco and Vanzetti separate trials is one of the principal counts against Judge Thayer. Not long after the trial Moore remarked:

"I had a great temptation when I was making the closing argument. There was so little evidence against Vanzetti—almost none in fact—I believed that there was a good chance of an acquittal if I should push home the fact. But I felt sure, in that case, that Sacco would be found guilty. I thought there was a fighting chance the jury would disagree as to the two but if they acquitted one I knew enough of juries to feel sure they would soak the other. So I put it up to Vanzetti. 'What shall I do?' and he answered, 'Save Nick, he has the woman and child.'"

The Case Against Vanzetti

Two witnesses claimed to have seen Vanzetti in South Braintree on April 15. One of them, Dolbeare, claimed merely to have seen him in South Braintree hours before the crime. The other, LeVangie, claimed to have seen him in the fleeing bandit car.

Harry E. Dolbeare, a piano tuner, was called as a prospective juror in the case. After a whispered conversation with the judge he was excused from service. Later he showed up as a prosecution witness. He said that when he came to court as a venireman he recognized Vanzetti as a man he had seen in South Braintree on April 15, 1920—a year and two months before. On the morning of that day, he said, he saw an automobile with five men in it. He observed particularly the middle man of the three in the rear seat, in profile view.

"What was it about them that attracted your attention?" the defense asked.

"The appearance of the whole five attracted me. They were strangers to me and appeared to be foreigners."

"What else?"

"Well, that carload was a tough-looking bunch."

Dolbeare knew nothing about any of the other men in the car. His memory after fourteen months retained only one image. Nor could he tell anything more about that image than that it was Vanzetti. He knew only what he was put on the stand to testify to.

Michael LeVangie, railroad gate-tender at South Braintree, had lowered the gate for an oncoming train when the shooting occurred; then he saw an automobile approaching. A man sitting beside the driver waved a revolver at him, motioning him to raise the gate. LeVangie obeyed. The driver, he testified, was Vanzetti. The prosecution, aware that Vanzetti did not know how to drive a car, itself discredited LeVangie's

testimony. Nevertheless it held on to the identification, LeVangie being the only one who claimed to have seen Vanzetti at the crime scene. Katzmann in summing up told the jury to find that although LeVangie said Vanzetti drove the car, he really meant that Vanzetti was a fellow in the back seat! This "identification" was further discredited by a locomotive fireman, one McCarthy. He testified that in a conversation with the gate-tender three-quarters of an hour after the murder LeVangie had said he did not see any of the bandits well enough to recognize them. Several others—a freight clerk at the railroad station, the gate-tender who relieved LeVangie, and a shoe worker—testified that LeVangie had made statements to them conflicting with his testimony on the stand.

The other "identification" testimony against Vanzetti referred to times and places other than those of the crime. John W. Faulkner said that early on the morning of April 15 he was on a train. At three stations a man across the aisle asked if this were East Braintree. Although he read about the crime that day and saw Sacco's and Vanzetti's pictures in the papers many times, he did nothing. But two months later he was taken to see Vanzetti and "identified" him as the man. At one point in his testimony the defense attorney suddenly requested a man in the audience to step forward. The man had a big mustache like Vanzetti's, but otherwise did not resemble him.

"Isn't this the man you saw on the train?" the lawyer asked.

"I don't know. He might be," Faulkner replied.

The conductor of the train and the ticket agents from stations on the route testified that no ticket had been bought and no cash fare paid for distance between Plymouth and East Braintree that morning. Faulkner's story was on the face of it either an invention or a mistake.

Another witness, Austin T. Reed, also a gate-tender, saw a big touring car with foreigners in it at 4:15 P. M. on the

crime date. "A dark-complexioned man" with "kind of hollow cheeks, high cheek bones—stubbed mustache," wearing a slouch hat, called out in "clear and unmistakable" English: "What in hell are you holding us up for?" Now he "positively" identified Vanzetti as the man who swore, although Vanzetti's mustache was not stubbed and his English poor. He, too, placed the man identified as Vanzetti on the front seat, whereas the prosecution contended that he was on the rear seat.

Vanzetti declared that he was in Plymouth all day on the 15th. He gave the names of persons to whom he sold fish; told of buying a piece of suiting from Joseph Rosen, a woollen peddler; and of talking with Melvin Corl, a fisherman, while Corl was painting a boat on the beach. All of these incidents were supported by eleven witnesses whose testimony the prosecution could not shake.

Rosen testified that he met Vanzetti shortly before noon on April 15. Vanzetti was pushing the fish-cart. The men were acquainted. Rosen showed him a piece of suiting which he could sell at a bargain because it had a hole in it. Vanzetti wanted his friend Mrs. Brini's advice and went with Rosen to see her, facts which Mrs. Brini corroborated. They identified the day by the circumstance that Mrs. Brini was sick in bed then; two American nurses from the Plymouth Cordage Company's medical department told on the stand of having attended her that day. Others testified to seeing Vanzetti in Plymouth and to obtaining fish from him. Katzmman entertained the jury by baiting Rosen, who spoke in a Yiddish variant of English which amused them immensely. But Rosen's testimony stood even that test. He gave the names of other persons who had bought cloth from him that day; one of these was the wife of the Police Chief of Plymouth. It would have been an easy thing to impeach Rosen's memory if he were lying or mistaken. He fixed the day by many circumstances all of them supported by documentary proofs. Corl

corroborated Vanzetti's memory of their conversation. He fixed the date by reference to the fact that it was two days before his wife's birthday, and by other incidents that he was able to check up.

The prosecution also claimed that the gun found on Vanzetti had been taken from the murdered man Berardelli. The inherent absurdity of the claim should have struck an unprejudiced jury of laymen more forcibly than the involved and contradictory "expert" testimony. It is inconceivable that a man who had committed a murder would carry a tell-tale revolver taken from his victim for nearly three weeks after the crime!

No one had seen any of the bandits pick up a gun. But Berardelli was believed to have possessed a Harrington & Richardson revolver, and that happened to be the make of Vanzetti's revolver. Thus the state's theory was born. Three weeks before his death Berardelli took his revolver to the Iver-Johnson Company in Boston for repairs, according to an account by his widow. The spring, she said, needed a little repairing.

"I don't know whether the revolver ever came back," Mrs. Berardelli testified. "Mr. Parmenter let him have another revolver with a black handle like the first." She could not identify Vanzetti's revolver as her husband's. The Iver-Johnson records did not show whether the revolver had been returned; also employees of the company disagreed as to the caliber of the revolver repaired. No indications were found that a new spring had been put in Vanzetti's revolver.

Mrs. Aldeah Florence, the friend with whom Mrs. Berardelli made her home after her husband was killed, testified that on the day after the funeral the widow had lamented: "Oh, dear, if he had taken my advice and taken the revolver out of the shop, maybe he wouldn't be in the same condition he is to-day." Vanzetti's gun was traced from owner to owner until no doubt of its identity remained.

The Case Against Sacco

The "identifications" of Sacco were as follows:

Mary Splaine and Frances Devlin were working on the second floor of the Slater & Morrill factory, with windows giving on the railroad crossing about sixty feet away. They heard shots and ran to the window in time to see an automobile crossing the tracks. Mary Splaine's identification of Sacco was one of the prosecution's chief reliances. Her view was cut off except for about 30 feet. With the car traveling at 15 to 18 miles an hour, she had from 1½ to 3 seconds of observation—and looking diagonally downward at a distance of from 60 to 80 feet. After more than a year she testified with astounding precision:

"The man that appeared between the back of the front seat and the back seat was a man slightly taller than the witness. He weighed possibly from 140 to 145 pounds. He was muscular, an active-looking man. His left hand was a good-sized hand, a hand that denoted strength. . . .

"He had a gray, what I thought was a shirt—had a grayish, like navy color, and the face was what we would call clear-cut, clean-cut face. Through here (indicating) was a little narrow, just a little narrow. The forehead was high. The hair was brushed back and it was between, I should think, two inches and two and one-half inches in length and had dark eyebrows, but the complexion was a white, a peculiar white that looked greenish."

Q. "Is that the man you saw at Brockton?"

A. "It is."

Q. "Are you sure?"

A. "Positive."

Such a description based on three seconds' observation is the more remarkable because at a preliminary hearing, only 40 days after the crime, she had been unable to identify Sacco. "I don't think my opportunity afforded me the right to say he is the man," she had said at that time. First she denied having said such a thing at the preliminary hearing;

later she denied her denial, averring instead that she had become positive after the hearing—upon “reflection.”

Miss Devlin's opportunity for observation was no more extended than Miss Splaine's. She admitted on the stand that at the preliminary hearing she had described the bandit as tall and well-built. (Sacco was only 5 feet 6 inches tall.) She also admitted having said at that time, “I don't say positively he is the man.” Like Miss Splaine, she described details which she could not possibly have observed in a fleeting few seconds, amid the confusion of a murder.

Dr. Morton Prince, a well-known psychologist in Massachusetts, studied this testimony. Here is what he says of Miss Splaine—and obviously it applies equally to Miss Devlin:

“I do not hesitate to say that the star witness for the government testified, honestly enough, no doubt, to what was psychologically impossible. Miss Splaine testified, though she had only seen Sacco at the time of the shooting from a distance of about sixty feet, for from one and one-half to three seconds in a motor car going at an increasing speed at about fifteen to eighteen miles an hour; that she saw and at the end of a year she remembered and described sixteen different details of his person, even to the size of his hand, the length of his hair as being between two and two and one-half inches long, and the shade of his eyebrows! Such perception and memory under such conditions can be easily proved to be psychologically impossible. Every psychologist knows that—so does Houdini. And what shall we think of the animus and honesty of the state that introduces such testimony to convict, knowing that the jury is too ignorant to disbelieve?”

Louis Pelzer, a shoe cutter, worked on the first floor of the Rice & Hutchins factory. He claimed that he had peeped out of the window when the shooting started, had seen Berardelli sink to the ground and obtained a look at one of the bandits, whom he identified as Sacco. Identified is a weak word—Pelzer even saw the pin in the bandit's collar. On the basis

of about one minute's observation, he gave the following testimony:

Q. "Do you see in the courtroom the man you saw shooting Berardelli that day?"

A. "Well, I wouldn't say it was him, but he is a dead image of him."

Q. "Have you seen him since that time until you saw him in the courtroom?"

A. "No, sir."

Q. "You say you wouldn't say it is him, but he is the dead image of him? What do you mean by that?"

A. "Well, he has got the same appearance."

On May 6, immediately after Sacco's arrest, Pelzer was unable to identify. The fact that Sacco was the "dead image" seems to have struck him in the intervening fourteen months. Several workers on the same bench with him testified that his original failure to identify was correct, as they had seen him hide under the table when the shooting started.

(After the trial Pelzer confessed that he had committed perjury, that the "dead image" phrase was drummed into his head by Assistant District Attorney Williams. Thereafter he changed his mind again and repudiated his confession.)

Carlos E. Goodridge was in a pool-room when he heard shots. He ran out in time to see an automobile pass. A man in the car, he claimed, pointed a gun at him, and he ran back into the pool-room. That man he identified as Sacco. Four witnesses including his employer flatly contradicted his story. All of them had talked to him soon after the crime. One quoted Goodridge as saying, "This job wasn't pulled by any foreign people." Another testified that Goodridge said he couldn't identify any one.

(The defense was prevented by Judge Thayer from revealing to the jury the circumstances under which Goodridge became a witness. Those circumstances show that he was indebted to Katzmman for an act of kindness. Goodridge had pleaded guilty to a charge of larceny sometime before Sacco's

trial. Upon Katzmänn's recommendation the case had been "filed," that is, no sentence was imposed. After the trial the defense disclosed that Goodridge was a horse-thief, a bigamist, a fugitive from justice, and had testified under a false name.)

Mrs. Lola Andrews has frequently been described in all that has been written about the case as a "woman of doubtful character." On the morning of the 15th, in the company of Mrs. Julia Campbell, she saw an automobile near the Slater & Morrill factory. She asserted that she saw a "dark complexioned" man bending over the hood of the car. Fifteen minutes later, coming out of the factory, she found the car still there. The dark man by that time was "down under the car like he was fixing something." She ignored another man inside the car, but addressed herself to the one underneath for directions to another factory. He told her. On the basis of that casual exchange she "identified" Sacco. Mrs. Campbell denied Mrs. Andrews' testimony.

"Neither of us spoke to the man under the automobile," she declared on the stand. "Mrs. Andrews did not speak to either man. It was I who addressed the inquiry about how to get into the Rice & Hutchins' factory. But I spoke to the man standing in the rear of the car, not to the man underneath."

In the course of the trial Mrs. Andrews fainted when embarrassing personal affairs were touched upon and won the press sobriquet of "Fainting Lola." There were things in her life that did not bear talking about. According to some of the witnesses this fear had much to do with her testimony. A policeman who had interviewed her in February, 1920, testified that she had said then that she could not identify any one. The secretary of the Quincy Chamber of Commerce testified to the same effect. Despite this, the prosecution not only offered her "identification" to the jury but Katzmänn gave this woman the weightiest personal indorsement. He said:

"And then there is Lola Andrews. I have been in this office, gentlemen, for now more than eleven years. I cannot recall in that too long service for the Commonwealth that ever before I have laid eye or given ear to so convincing a witness as Lola Andrews."

(After the trial Mrs. Andrews confessed to perjury. Then she repudiated the confession, alleging duress.)

Several others who, according to the prosecution, were to identify Sacco did not do so. Louis L. Wade had seen Sacco in the Brockton police station a year before. He thought he resembled one of the bandits. Even then he had said, "I might be mistaken." The doubt deepened as time went on. Brought to the stand by the prosecution, he told how he had changed his mind:

"I was in a barber shop, and a man came in. His face looked familiar. The more I looked at the man, the more I thought about him, the more I thought he resembled the man who killed Berardelli."

Wade was honest. All foreigners of similar coloring and physique look alike to the ordinary American, just as all Negroes and Chinese of similar physique look alike to the ordinary white man. Louis DiBerardino, also brought to the stand by the prosecution, could not identify. A bandit had pointed a gun at him. "That bandit," he testified, "was pale, had a long face, awful white, and he had light hair. A thin fellow, light weight. Not like Sacco. The one I saw was light."

There was other testimony by which the prosecution tried to prove that Sacco was not in Boston on the crime date. But not one of the witnesses was precise in his testimony. It was all a framework of conjecture and doubt, due not so much to the dishonesty of the witnesses as to their inability to distinguish clearly between Sacco and other Italians with similar physical characteristics.

In the "bandit cap" testimony the trial reached the nether-

most point of the ludicrous. Although the same size numerally as Sacco's, it was fur-lined and had ear-laps, which made it too small for him. Mrs. Sacco testified that her husband detested fur-lined caps or ear-laps and never owned one of that variety. Sacco's employer said incidentally that Sacco sometimes hung his cap on a nail in the factory. A rip in the lining of the cap was thereupon played up by the prosecution as having been made by this nail—on such "evidence" it asked for the man's life! Years later the police admitted that they ripped the lining in looking for a label.

In support of its theory that the fatal bullet came from Sacco's revolver the prosecution put on two "experts." Captain Charles Van Amburgh testified: "I believe the bullet came from a Colt automatic pistol. . . I am inclined to believe it was fired from this Colt automatic." He based his belief, he said, on a mark he found on the bullet, visible only under the microscope, and on similar marks on three bullets which he had fired from the revolver. These bullets were all Winchesters. But on three Peters bullets fired at the same time no such marks were found. He admitted that pitting such as in the Sacco gun was caused by rust and fouling.

The second expert was Captain William H. Proctor, head of the state police. The form in which his testimony was given is peculiar. He was not asked directly: Did this bullet come from Sacco's revolver? Instead:

Q. "Have you an opinion as to whether bullet Number 3 (Exhibit 18) was fired from the Colt automatic which is in evidence?"

A. "I have."

Q. "And what is your opinion?"

A. "My opinion is that it is consistent with being fired from that pistol."

The equivocal form of the answer is apparent in print. Spoken before a jury, it conveyed the impression of a definite statement. The prosecution interpreted it as such. The

judge, too, accepted it as a definite statement and so instructed the jury. Yet Proctor had merely implied that it was possible for the bullet to have come from the gun: he made no positive assertion.

(After the trial Proctor made an affidavit revealing that the equivocation was deliberate, questions and answers having been framed between himself and the prosecutors.)

To meet this expert testimony the defense brought two experts of its own. James E. Burns, a high official in the United States Cartridge Company and James H. Fitzgerald, superintendent of the testing department of the Colt Automatic Pistol Company. Burns declared that the bullet in question might have been fired either from a Colt or a Bayard revolver. He declared positively that it had not come from Sacco's revolver. He fired eight bullets from Sacco's gun and all came through without markings. Fitzgerald testified to the same general effect.

Then the defense established Sacco's alibi. Late in March Sacco had received word of his mother's death. His vague plans for a trip to Italy then took definite form. He told his friends and employers of his plans to go to Torremaggiore. He asked the Kelleys for a day off to arrange about passports. On April 14 he told them that he was well ahead with his work and would therefore not come in next day, April 15. His employers consented. He was away on the 15th and back at work on the 16th.

The prosecution contended that on this one day off in many months of uninterrupted hard work Sacco had joined a band of desperadoes and committed murder. Sacco on the stand accounted for his movements every hour of that day. Ten witnesses supported his alibi.

Giuseppe Adrower, clerk in the Italian consulate, swore that Sacco was in his office that day. He remembered this from the circumstance that Sacco had brought a large family portrait instead of the regulation passport pictures. This had

amused him. It is conceded that Sacco had gone to Boston about a passport around that time. Since he was away from work only one day, the defense argued that it must have been on that day and no other.

Sacco had lunched on the 15th with friends at Boni's restaurant in Boston. Professor Felice Guadagni, journalist and lecturer, testified that he had been at Boni's restaurant with Sacco. While they ate, John D. Williams, an advertising agent, entered. They discussed a banquet given that day to another Mr. Williams, of the Boston *Transcript*, who had been decorated by the King of Italy for his stand on the war.

Later that afternoon Guadagni met Sacco again in Giordani's coffee-house. Professor Antonio Dentamaro, manager of the foreign department of the Haymarket National Bank in Boston, also testified that he met Sacco in Giordani's coffee-house on April 15, between 2 and 3 P. M. He remembered the date because he went to the coffee-house directly from the banquet to Mr. Williams. He especially remembered meeting Sacco because he had sent a message by him to Leone Mucci, a member of the Chamber of Deputies in Italy. They had talked about Sacco's prospective return to Italy. Sacco had said that he had come to Boston to get his passport. Albert Bosco, editor of *La Notizia*, a conservative Italian daily newspaper in Boston, testified likewise as to the presence of Sacco and the others in Boni's that day. Others corroborated these facts. Nowhere was there a flaw in this alibi. The only supposition on which it could be ignored was that—Italians all—they had formed a far-reaching conspiracy to defeat justice in behalf of a fellow-Italian. Given the setting we have already described, it was not hard to convince the jury that such was the fact.

Their "Consciousness of Guilt"

There remains only to consider the question of "consciousness of guilt." It should be clear to any one why the two

Italian radicals, in the prevailing atmosphere of persecution and terror, lied about their movements when arrested; why they should have become suspicious when the garage-owner's wife went to telephone. But according to Judge Thayer, that—rather than the identifications or gun testimony—was responsible for the verdict. He said later in denying a motion for a new trial:

"These verdicts did not rest, in my judgment, upon the testimony of the eye-witnesses, for the defendants, as it was, called more witnesses than the Commonwealth to testify that neither of the defendants was in the bandit car. The evidence that convicted these defendants was circumstantial and was evidence that is known in law as 'consciousness of guilt.'"

This circumstantial evidence rested on three allegations by the state:

1. That Sacco and Vanzetti had been frightened into going off without the Overland for which they had called on the night of the arrest. The defendants asserted that they went off because the car lacked a license number. Any suspicion of the garage-owner's wife was due to their fear of detection in the planned collection of subversive literature.

2. That when arrested they had made gestures as if to reach for their revolvers. This allegation was based upon the say-so of the arresting officers, who clearly had been suffering from nerves and imagined that they were in danger. The defendants denied having made any such gestures.

3. That when questioned they had lied about their movements. This both Sacco and Vanzetti admitted. The questions asked by police interrogators confirmed their belief that they were on the threshold of an ordeal like Salsedo's or Elia's. Moreover, they lied in order to protect their comrades, whose names and addresses would have been revealed by a truthful account of their doings the day of the arrest.

True "consciousness of guilt" does not begin on the day of arrest. It begins on the day a crime is committed. The

behavior of the two men between April 15 and May 5 was not that of culprits carrying blood on their consciences. They showed no signs of suddenly acquired wealth. They did not avoid being seen in public. On the contrary. They were engaged in gathering nickels and dimes from friends to defend Salsedo. They were arranging a meeting at which Vanzetti was to be the principal speaker. It is inconceivable that a man who committed murder would exhibit himself on a public platform near the scene of the crime three weeks afterward. These men were utterly unconscious of any guilt, going about their work and their labor activities as always.

But why did they carry revolvers? Whoever answers this question for all men who possess guns will have answered it for these two. The extensive carrying of guns by persons who are not gunmen is a matter of common knowledge. Sacco acquired the habit of carrying a pistol while night watchman in the Kelleys' shoe factory. His employer swore to that. Vanzetti on the stand declared that he carried a revolver "because it was a very bad time, and I like to have a revolver for self-defense." He often carried \$80, \$100, or \$120. These are honest factual explanations. Deeper than these explanations, possibly, is the psychological inclination of some people for the possession of weapons.

The defense laid bare the radical records of Sacco and Vanzetti; their views of the economic system, their labor activities; their opposition to the war. These were facts already known to the jurors. To hide them would merely have obscured the real reason why the men lied when arrested. But once this question was opened, the prosecution took the utmost advantage of it. It played upon the jury's prejudices. It provoked both Sacco and Vanzetti to enlarge on their views. It drew them on to make damaging speeches.

Sacco especially was easy bait. Excitable, flurried by the fact that he could not understand some of the questions, he quickly went into an exposition of his views which must have

made the jurors bristle with hatred. He questioned all their sacred loyalties. Katzmman argued with him about war, and Judge Thayer interjected:

"All I ask is this one question and it will simplify matters very much. Is it your claim that in the collection of the literature and the books and papers that that was done in the interest of the United States?"

Thus the judge assisted the prosecutor in framing provocative questions. Sacco was easily provoked. He made a long speech in a tongue that was strange to him, in which he decried war and inequalities.

"They are war for business," he exclaimed, "million dollars come on the side. What right have we to kill each other? I have been working with the German fellow, with the French, many other peoples. I love them people just as I could love my wife, and my people for that did receive me. Why should I kill them men? He never done anything, so I don't believe in no war. I want to destroy those guns."

Sacco also attacked Harvard University as a class institution where workers have no place. He declared that men like the Rockefellers support these institutions and they are not concerned with educating the children of workers. Little did Sacco dream that six years later the President of Harvard would be called upon to judge him—with such an attack on the record and in the press!

Judge Thayer, rigidly legalistic in all other matters, did not halt this line of questioning, patently intended to rouse the passion and resentment of the jurors.

Guilty . . .

When Thayer arrived to give his charge to the jury his desk was banked with flowers. Admirers had shown their appreciation of a trial in which he had suppressed counsel for the defense and made clear his contempt for the defendants. Things happened which are not in the record: grimaces of the sharp features, sneers of the thin lips, conferences at the

bench which did not go into the record. Years later a series of affidavits revealed what was generally known at the time of the trial—that Thayer was vindictively opposed to the defendants and their friends.

Those flowers were the last gesture in a trial which was begun by the foreman of the jury saluting the flag. Thayer's words fitted into the picture: "You, like the true soldier, responded to that call in the spirit of supreme American loyalty. There is no better word in the English language than 'loyalty' . . ."

Then follows the charge to the jury. Professor Frankfurter has studied that charge. Here is what he says in part: *

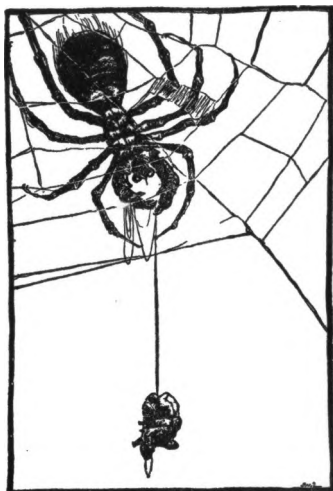
"Judge Thayer's charge directs the emotions only too clearly. What guidance does he give to the mind? The charge occupies twenty-four pages; of these fourteen are consumed in abstract legal generalities and moral exhortations. Having allowed the minds of the jurors to be impregnated with war feeling, Judge Thayer now invited them to breathe 'a purer atmosphere of unyielding impartiality and absolute fairness.' Unfortunately the passion and prejudice instilled during the course of a long trial cannot be exorcised by the general, placid language of a charge after the mischief is done. Every experienced lawyer knows that it is idle to ask jurors to dismiss from their memory what has been deposited in their feelings.

"In this case the vital issue was identification. That the whole mass of conflicting identification testimony is dismissed in two pages out of the twenty-four is a fair measure of the distorted perspective in which the Judge placed the case. He dealt with identification in abstract terms and without mentioning the name of any witness on either side. The alibi testimony he likewise dismissed in two paragraphs, again without reference to specific witnesses. In striking contrast to this sterile treatment of the issue whether or not Sacco and Vanzetti were in South Braintree on April 15, was his concrete and elaborate treatment of the inferences which might be drawn from the character of their conduct on the night of their arrest. Five pages of the charge are given over to 'consciousness of guilt,' set forth in great detail and with specific mention of the testimony given by the

* Felix Frankfurter: *The Case of Sacco and Vanzetti*, Boston, 1927.

various police officials and by Mr. and Mrs. Johnson. The disproportionate consideration which Judge Thayer gave to this issue, in the light of his comments during the trial, must have left the impression that the case turned on 'consciousness of guilt,' as we have seen, Judge Thayer himself, did in fact so interpret the jury's verdict afterwards."

The jury was out five hours. It returned a verdict of guilty of murder in the first degree, for which, under the Massachusetts law, there is only one possible penalty: death in the electric chair.



Fred Ellis, in the New York *Daily Worker*

CHAPTER XIII

TORTURE BY HOPE

Labor Protests Against the Conviction

"*Sono innocente!*" Sacco shouted from the steel cage in the neat court-room at Dedham.

"They kill innocent men," Vanzetti said quietly.

They were led away by armed guards. Once more they were paraded under the ancestral elms to the jail. Then they were separated. Vanzetti was taken to Charlestown prison to serve his term for the Bridgewater conviction, while Sacco remained in Dedham pending sentence on the new conviction. These men whose names were henceforth to be linked in the world's memory did not meet again for six years, except on a few brief occasions when they were brought into the same court for hearings—and during the last agonized months in the death-house.

The local press smacked its lips over the conviction. Justice, the Boston papers averred, was taking its course. Justice, they said, would not be deflected by the outcries of the radicals. If there had been any error at any point in the proceedings, the omniscient higher court would rectify it. Only the Boston *American* at the time dared to question the verdict, saying:

"The evidence as it appears from the stenographer's notes is most unconvincing to us and we are informed that nearly all the newspaper reporters who covered this trial agree that the verdict of guilty was not justified."

Those newspaper reporters were part of the unofficial jury which had sat through the trial. Its verdict was unanimous. Social workers dedicated to the proposition that sweetness

rules the universe stood aghast at a verdict which disregarded the evidence. Mrs. Lois Rantoul made a report to the Greater Boston Federation of Churches in which she showed how race prejudice and social hysteria had triumphed against obvious facts. Her report was filed for consideration and not published for years—the churches regret that such things should be, but justice must take its course. Marquis Ferrante, Italian consul, reported to his government in Rome. "Not a shadow of evidence was produced against the defendants," he wrote. "They are convicted on racial and political hatred."

The labor press was abruptly torn out of its complacency by the verdict. In the year after the trial every labor paper which took cognizance at all of public affairs gave many columns to the Sacco-Vanzetti case. Outside of the United States, where the workers are more conscious of their power and their rôle, a vast protest movement gained impetus.

In America the first mass support for the case came from the progressive needle trades unions centered in New York, Philadelphia and Chicago. In these unions Jews and Italians predominate; instinctively they identified themselves with the immigrants in the Dedham jail and the Charlestown prison. Locals of the United Mine Workers of America, in which immigrant workers predominate, also were in the forefront of the defense supporters. The mine workers' secretary, William Green, coöperated with the committee in Boston in sending out appeals to the locals. Later, as president of the American Federation of Labor, Green was more circumspect.

Labor organizations, one after another, demanded a new trial. Considering the hidebound conservatism of the American unions, such action in criticism of the sacred cows, and in support of two Reds, is truly remarkable. The convention of the A. F. of L., acting upon a resolution introduced by the Boston Central Labor Union, asked for a new trial. A nationwide appeal for funds bore the signatures and seals of

Central Labor bodies of Chicago, Detroit, Minneapolis, St. Paul, Seattle, Tacoma, Sioux Falls, Tampa, Evansville, Salem; of the Utah State Federation of Labor; of "Mother" Jones; of James H. Maurer, president of the Pennsylvania Federation of Labor. The fetterhead of the defense committee carried a list of indorsements without parallel in the history of the American labor movement: A. F. of L. unions, independent unions, political organizations, fraternal societies.

But passive indorsements are one thing; active protest is another. The meetings and demonstrations which kept the issue always alive were organized and supported by the left wing of American labor. These felt the question in the marrow of their being, as an assault upon all workers.

Meanwhile the conservative daily press outside of Massachusetts paid scant attention to the affair. The verdict of guilty was recorded on an inside page of the *New York Times* in seven and a half inches, including headlines. Papers farther West ignored it entirely. This indifference may serve as a measure of the aloofness of the American press from the life of the workers. At a time when the whole labor press, the foreign-language press, and every liberal journal were filled with discussion of the Sacco-Vanzetti case, the *New York World* and the *Chicago Tribune* and the rest remained serenely ignorant of its existence.

The American Press Is Startled

A demonstration in Petrograd in 1917 made President Wilson aware of the Mooney and Billings case in California. A series of demonstrations, and several mysterious bombs, in Europe and Latin America in 1921 made the American press aware of the Sacco-Vanzetti case in Massachusetts.

Early in October thousands of workers marched upon the American Embassy in Rome demanding justice for their compatriots in America. The parade was violently disrupted and about one hundred of its leaders arrested. Soon thereafter

a bomb exploded at the American Embassy in Paris; Ambassador Myron T. Herrick and members of his family escaped injury. Another bomb was intercepted at the American consulate in Lisbon. Because throughout the world the American representatives had been deluged with appeals and demands and threats, these bombs were attributed to resentment against the Dedham verdict. That assumption, however, has never been verified. Organizations active in the defense movement disavowed such acts of futile individual temper. Demonstrations took place in Brussels and Marseilles, Moscow and Genoa, Juarez and Buenos Aires; on every continent and in almost every country.

In a vain effort to dam the tide of protest abroad, the State Department issued a summary of the case for the use of its representatives. It was full of misstatements. Consider these excerpts in the light of the evidence as analyzed in the preceding chapter:

"Identification was the only issue raised at the trial, all the essential elements to prove murder in the first degree being admitted by counsel for the defendants as established. . . . However, the testimony of eyewitnesses offered by the Commonwealth established the guilt of Sacco and Vanzetti to the satisfaction of the jury. . . . When Sacco and Vanzetti were arrested on May 5 at Brockton they were armed and on the way to the police station made several efforts to draw their weapons. . . . The cap when tried on by Sacco before the jury fitted him perfectly."

In other words the State Department set down as indisputable facts things that were at best unsupported claims of the prosecution.

Suddenly the American press became feverishly interested in the story. Special writers flocked to Boston from New York, Washington, other cities. Information which had been unceremoniously consigned to the editorial waste-baskets for months now became "news." Editorially the newspapers were unsparingly hostile: the manifestations of sympathy and of

anger throughout the world were all part of a "plot," the defense leaders should be deported, no special consideration should be given to men because they were slackers, etc. The *New York Times* was especially indignant.

The flare-up of public interest coincided with certain court action. On October 29, 1921, the prisoners were brought into the Dedham courthouse again and Moore argued that the verdict be set aside. This time the whole country was represented at the press table. The melodrama of special guards and searchings was reenacted. A New York paper began its report:

"In the Norfolk County Court House, under the heaviest armed surveillance in its history, with mounted State constabulary patrolling the vicinity, motorcycle police held in reserve and a score of uniformed Boston policemen with riot guns stationed about the structure and the grounds. . . ."

To add versimilitude to the atmosphere of danger, anonymous "Federal agents" conveniently "unearthed" Red menaces. The *New York Times* reported two days before the hearing:

"Federal agents have unearthed in Boston plans of an organized gang of radicals to spread a reign of terror over the whole United States for three days—next Saturday, Sunday, and Monday. The plot, according to the investigators, is international in its organization and was to have been carried out by radicals who hoped to aid the cause of Sacco and Vanzetti, awaiting sentences here for murder and highway robbery. The conspirators planned to dynamite buildings all over the country, especially buildings housing Department of Justice offices."

Then followed details of elaborate precautions. The "reign of terror," however, came off as planned—on the dates specified protest meetings took place in the working class districts of every large city in America.

Sentiment for or against Sacco and Vanzetti set rigidly during this first world-wide outburst. The periodic revivals of interest and the final explosion of feeling before the executions merely reaffirmed attitudes adopted at this time. And

the divisions, by and large, were not based upon disagreements as to the evidence. They rested upon more basic divergencies. Progressive labor groups, political and social nonconformists, the radicals were convinced that the two men were innocent; moderate socialists and liberals argued for a new trial to dissolve the "reasonable doubt" about the men's guilt. The Tories—American Legion heads, Harvard Brahmins, hundred-per-centers—called for sentence and execution. The New York *Herald*, in a news dispatch on November 15, 1921, said:

"All New England is divided into three classes: Those who believe Sacco and Vanzetti innocent and the victims of persecution because of their radical beliefs; those who honestly believe the Italians committed the crime and should pay the penalty; and some who scorn all anarchism and believe all propagandists for anarchism and communism in whatever form should be burned at the stake regardless of facts as the witches of Puritan days were burned.

"This last mentioned sentiment is by no means negligible. It is a positive factor in the situation."

It was in this period that alignments were made. Subsequent developments merely intensified emotions; they changed no opinions. Confessions of perjury, new evidence, proofs of the complicity of the federal government, confession by another of guilt of the crime charged against Sacco and Vanzetti—these only hardened attitudes, they did not alter them.

Eugene V. Debs at this time wrote a sentence which the defense committee adopted as its slogan: "Sacco and Vanzetti are innocent men; they shall not be murdered!"

"The crime of murder charged against them," he wrote, "is simply the pretext, the subterfuge, the miserable lying excuse for murdering them. They are of the breed that do and dare for their principles and scorn the weakness and poltroonery that make sychophants and slaves of men. And so they were marked for assassination by the class that lives out of the sweat and blood of the toilers for whom Sacco and Vanzetti stood erect and defiant without a tremor of fear or a shadow of compromise."

And the Communist International issued ringing appeals for working class solidarity in behalf of Nicola Sacco and Bartolomeo Vanzetti which were translated quickly into mass demonstration.

Anatole France, in one of the last public statements before his death, spoke for Sacco and Vanzetti. "Save Sacco and Vanzetti," he cabled to *The Nation* in October, 1921. "Save them for your honor, for the honor of your children, and for the generations yet unborn."

Sacco and Vanzetti Count the Years

Sacco and Vanzetti became symbols.

By the same token they became, somehow, abstractions. Their names became intertwined, like the name of a business firm. Rosina was pointed out to strangers as the "wife of Sacco-Vanzetti." When Luigia, Vanzetti's sister, came from Villa Falletto years later, she was pointed out as "the sister of Sacco-Vanzetti." The maneuvering of lawyers, the manifestos and the demonstrations, the editorial tantrums of the tory press: these were scenes in a great stirring pageant, a pageant of hatreds and terrors disclosing the entrails under the varnished skin of society. It was all carried out in the name of Sacco and of Vanzetti—but they were not in it. In all the seven years of their imprisonment they did not see a single demonstration. Others moved about and clamored and hammered upon judicial doors—theirs was but to sit in prison counting the days and the months and the years.

Villiers de Lisle Adam, a French writer, describes a refined torture which the Spanish Inquisition practiced upon sensitive victims. The prisoner, looking up from his pile of straw, sees a thread of light. He creeps to the door and cautiously tries it. The door gives! His pulses beat like hammers. Carefully he steps out and looks around—no guards anywhere! He crawls along the walls, dizzy with hope and fear. And now he is in the courtyard. He waits until the back of the guard

is turned and carefully makes his way to the wall. He scales it—another second and he will be on the other side, free. In that second he is pulled back. . . .

It was known as "torture by hope." Sacco and Vanzetti suffered this torture for seven years. Their letters show that they had no illusions about the trap in which they were caught. But loving life, they could not repress hope. Each new motion, the approach of every new judicial decision, was a thread of light in their black cells, to taunt them once more with hope.

CHAPTER XIV

NEW EVIDENCE AND EMPTY MOTIONS

A Christmas Gift From Thayer

AMID bristling riot guns, with the attention of the whole world focused for the first time on the little court in Dedham, Moore asked Judge Thayer to set aside the jury's verdict because it was not in accord with the evidence. He not only analyzed that evidence but depicted the stage-set atmosphere of prejudice in which it was presented.

This was on October 29, 1921. His Honor took the question under advisement. His Honor never made snap judgments. One errs so easily in the direction of mercy. He took ample time to justify himself at length.

On December 24—Christmas Eve—he announced his decision denying the motion. Christmas Eve has associations to an Italian, even to an Italian atheist. It is bound up with childhood memories. Even after a hundred more reprehensible actions had been added to Thayer's record, the timing of this decision seemed most obscene.

A series of motions based on newly discovered evidence, and on confessions of perjury by trial witnesses, was presented in the following years. The defense was accorded time in which to prepare the motions. It was permitted to argue them at any length. The forms of legal procedure were adhered to—more, they were sometimes stretched to accommodate the defense. But they were empty forms—resulting always in denials by the only man empowered to act upon them, Thayer.

Sacco and Vanzetti were given all their legal rights. They were deprived only of their liberty and their lives.

While new information was being accumulated and ruled upon, an appeal to the Supreme Court of Massachusetts was

being prepared. By the time it was ready for filing, the motions had been denied, so that exceptions to these denials were added to the appeal. The Supreme Court did not rule on the voluminous appeals until May 12, 1925, five years after the two men had been arrested. Further motions on additional new evidence, including a confession of guilt by a bandit exonerating Sacco and Vanzetti, were filed thereafter. First let us consider the new evidence filed before the first decision by the Supreme Court.

Illegal "Exhibits" in the Jury Room

A new trial was asked for by the defense on the ground that Walter Ripley, foreman of the jury, brought into the jury room certain exhibits not introduced at the trial. According to a constitutional provision, accused persons must be confronted with all the evidence against them.

Ripley died three months after he had condemned Sacco and Vanzetti to death. Between the trial and his death he had two conversations with J. J. McAnarney, of defense counsel. He told McAnarney that on the day he was summoned as a juror he had several loaded cartridges in his pocket. When testimony in regard to Vanzetti's cartridges was introduced, he realized that those in his pocket were of the same make. In the jury room he drew out his own cartridges for comparison with Vanzetti's. These facts were corroborated by several jurors. The defense contended that the use of those cartridges was illegal. A revolver expert for the defense pointed out that laymen drawing such comparisons without the aid of a microscope might easily come to false conclusions.

Motion denied!

An Identification Witness Confesses to Perjury

Some time after the trial, Louis Pelzer, a Jewish boy who had testified against Sacco, came to the offices of the defense attorneys and made a clean breast of his part in the pro-

ceedings. He said his conscience was bothering him. The writer was present with several other persons, when Moore put a series of questions to Pelzer. The answers were given frankly and fully. A public stenographer took down the examination, which was then read to Pelzer and accepted by him as a true record.

The story he told was substantially this: When the crime occurred, he ran to the window in time to see a wounded man sinking to the ground. For fear of stray bullets he immediately dropped under a bench and remained there until the bandit car had gotten away. He did not see any of the bandits clearly enough to make an identification. When questioned by a defense investigator months before the trial he told him so. Afterwards, however, he had been taken in hand by the prosecution. He was made to believe that he was obliged to testify. When he refused to make a positive identification, the District Attorney coached him to say that Sacco was the "dead image" of the bandit. He held fast to that phrase through the trial. Now he felt that he should not have done so, that he had lied. He was therefore confessing.

Six months later, in a statement to the prosecution, the boy repudiated his confession. He now claimed that his original statement to the defense investigator was a lie, that the "dead image" assertion on the stand was the truth, the confession of perjury a lie, and its repudiation the truth. Pelzer at that time was about 21 years old, pimply and stammering a little, and not a person to inspire confidence. He yielded easily to suggestions of stronger minds, and seemed mortally afraid of the law as personified by the court and the District Attorney. The "dead image" phrase was altogether out of harmony with the rest of his vocabulary.

Pelzer was the only witness who attempted to identify Sacco as in the act of shooting. The defense asked that his testimony be thrown out, and that a new trial be therefore granted.

Motion denied!

A Witness Whom the State Snubbed

Roy E. Gould, an itinerant peddler of razor paste, had been on the scene of the crime. He was shot at by a bandit from the fleeing car, the bullet piercing his coat. The defense looked for Gould through half a dozen States.

He was found eight months after the trial at Portland, Maine, and he told an extraordinary tale. He had been arrested by the police after the crime, and released when he convinced them that he was on the scene accidentally in the course of his business. But he told the police he would be able to identify the bandits. The police had his name and address, but never called him!

Gould was taken by the defense to Dedham jail and to Charlestown prison to see Sacco and Vanzetti. Then he made an affidavit stating that neither of these men was among the bandits. He also set forth the fact that the police never attempted to have him make an identification. The defense claimed that Gould, because he was closer to the bandits than any person appearing at the trial, was an important witness. It asked for a new trial to permit him to testify.

Motion denied!

A Witness Exposed as a Notorious Criminal

Carlos E. Goodridge, while in Thayer's court pleading guilty to larceny, "recognized" Sacco, who was in court for a hearing. At the trial he testified that Sacco was a man who shot at him near a pool-room as the bandit car passed. He had never been sentenced for the larceny, and soon after testifying against Sacco he moved to Maine, out of reach of a sentence—either for that crime or for the crime of perjury.

The defense, tracing this man's history, discovered he was a notorious crook. His real name was Erasmus C. Whitney. He was wanted by the authorities in New York for grand larceny; had served terms at Elmira Reformatory and Auburn

State Prison in the same state; was accused by those closest to him, including several of many wives, of forgery, thieving, adultery and a congenital passion for falsifying. He adopted the name "Goodridge" in order to evade the New York police.

"Goodridge" probably owed his freedom to the fact that he conveniently recognized Sacco. To use him as a witness, Katzmann had to see to it that the man was out of prison. A collection of his marriage certificates, made by the defense, indicates the ease with which this fellow committed perjury. He gave three different towns as his birthplace, and otherwise played fast and loose with facts. One section of "Goodridge's" third wife's affidavit is especially illuminating. She said under oath that he had once been attacked by several Italians whom he had cheated out of their belongings; and that he bore a grudge against all Italians forever after.

In the annals of Massachusetts jurisprudence, Your Honor, has any important witness ever been so completely, so devastatingly discredited?

Motion denied!

Another Confession of Perjury

"Fainting Lola" Andrews was the woman who claimed to have called "Sacco" from underneath an automobile to inquire her way to a nearby factory. Five months before the trial she had asserted that she could not identify Sacco. Nevertheless she took the stand and did identify him. Nine months after the trial she gave the defense another affidavit, confessing that she had committed perjury in identifying Sacco. She had done so, she swore, under coercion by Assistant District Attorney Williams, who threatened to reveal her private life.

Mrs. Andrews some eighteen years before had given birth to a son. This son now lived in the backwoods of Maine, under the name of John Hassam. He had heard ugly rumors about his mother, but did not believe them. Mrs. Andrews was striving with all her might to retain the respect of this

son; it was the only thing she had in a life filled with ugliness, which, with her youthful charms gone, was now a heap of ruins.

The defense attorneys brought the boy to Boston. He was a simple backwoods product. He knew as a fact that mothers don't lie. And he agreed to put it up to his own mother to tell the truth. He saw that human lives were at stake, and felt that he could count on honesty face to face with his mother. So one night it was arranged. Two witnesses were present when the woman was suddenly confronted by her boy, whom she had not seen for years. The two were Fred Biedenkapp, then treasurer of the Workers Defense Union, and John Van Vaerenewyck, then Vice-President and now President of the Massachusetts State Federation of Labor.

"Mother," the boy told her in effect, "you've been saying different things at different places I want you once for all to come through and tell the whole truth. Otherwise you're no longer my mother."

Mrs. Andrews broke down and told a story of persecution, in which she pictured Williams as coercing her to make an identification. The same night she signed an affidavit to this effect. Six months later she recanted again, accusing the defense of undue pressure. She, like Pelzer, had experienced four changes of mind. The defense asked for a new trial on the ground that she had completely demolished her own testimony.

Motion denied!

How Experts Fooled the Jury

"It was his (Sacco's) pistol that fired the bullet that caused the death of Berardelli. To this effect the Commonwealth introduced the testimony of two witnesses, Messrs. Proctor and Van Amburgh."

Thus Thayer, with the finality of a judge summarizing seven weeks' evidence, put into two sentences his understand-

ing of the expert opinions for the prosecution. It coincided with the interpretation made by District Attorney Katzmann, who told the jury: "You might disregard all the identification testimony and base your verdict on the testimony of these experts." There is no question that the jury accepted this clearcut interpretation.

More than two years after the trial, one of these experts, Captain Proctor, made an affidavit in which he denied the truth of such an interpretation; and in which he disclosed that with the connivance of the prosecutor he had deliberately led the jury to misunderstand his testimony. The affidavit stated in part:

"At the trial, the District Attorney did not ask me whether I had found any evidence that the so-called mortal bullet which I have referred to as Number 3 passed through Sacco's pistol, nor was I asked that question on cross-examination. The District Attorney desired to ask me that question, but I had repeatedly told him that if he did I should be obliged to answer in the negative; consequently he put to me this question: Q. 'Have you an opinion as to whether Bullet Number 3 was fired from the Colt automatic which is in evidence?' To which I answered, 'I have.' He then proceeded. Q. 'And what is your opinion?' A. 'My opinion is that it is consistent with being fired by that pistol.'

"But I do not intend by that answer to imply that I had found any evidence that the so-called mortal bullet had passed through this particular Colt automatic pistol and the District Attorney well knew that I did not so intend and framed his question accordingly. Had I been asked the direct question: whether I had found any affirmative evidence whatever that this so-called mortal bullet had passed through this particular Sacco's pistol, I should have answered then, as I do now without hesitation, in the negative."

The affidavit was made the basis for still another motion for a new trial. Captain Proctor was head of the Massachusetts state police when he testified. He had been in the Department of Public Safety for twenty-three years. His word undoubtedly weighed heavily with a Massachusetts jury. By

his own confession he had conspired with the Commonwealth to convey a wrong impression as to a basic piece of evidence. The prosecution could not deny the conspiracy which was eloquently attested by the record. Yet Judge Thayer did not recognize this as sufficient ground for granting a new trial.

Motion denied!

A High-Powered Microscope Testifies for Sacco

Albert H. Hamilton, one of the foremost microscopists in the United States, in the presence of state officials, subjected Sacco's gun and the bullet taken from Berardelli's body to the scrutiny of a compound microscope equipped to register one hundred thousandth of an inch on photographic plates.

The result was a brief of 93 pages packed with technicalities, accompanied by stacks of photographs and diagrams. A layman cannot attempt to give the gist of this material—such courage is for all-knowing juries “doing their duty in the spirit of supreme loyalty.” Suffice it that the photographs, according to Hamilton, showed conclusively that the so-called mortal bullet could not have come from Sacco's revolver. The delicate measurements demonstrated that the scratch on the bullet and the corrosions in the barrel of the gun which were claimed to have caused it, did not correspond. The scratch was unlike the corrosion as to length, depth, location—but why continue?

Motion denied!

Thayer Adjusts His Legal Conscience

Some of this evidence was argued before Judge Thayer on October 1, 1923. The hearing was the occasion for the formal entry into the defense of William G. Thompson and Arthur D. Hill. They had been engaged by Moore to add the weight of their legal talent and their reputations to the formidable array of newly discovered evidence. Late in 1924 Moore left Boston.

Thompson is the substantial, conservative, sedate type of lawyer who as a rule commands respect in court. But Thayer treated him no more gently than he had treated Moore before him. Thompson had long been a member of the Council of the Boston Bar Association, and a lecturer at Harvard Law School. Hill had been a Professor at the Harvard Law School and District Attorney of Suffolk County, which includes Boston.

Thompson's interest in the defense dated back to the time when Thayer attempted to bar Moore from defending Sacco and Vanzetti. He was in court then ready to champion Moore's and the prisoners' rights. Since then he had followed the developments closely and had given Moore the benefit of his judgment on various matters as the case proceeded.

Sacco and Vanzetti were in the prisoners' cage when the motions were argued. It was in one of the periods when interest in the case, strained by the long delays, had lapsed. The court was almost deserted. Thayer, more shrunken and sallow and solemn with every year, listened to long detailed arguments, rising at times to impassioned pleas. A veritable mountain of new evidence was placed before him . . . and supported by an appeal to his humanity; recourse to the letter of the law and to the spirit of justice.

It was heart-breaking work. Talking to the shrunken figure, looking into eyes that gave no echo of understanding, reaching desperately for a heart guarded by dusty tomes of law. Many of these arguments reflected directly upon Thayer's conduct of the trial. The attorneys tried to spare his feelings. They swathed reproaches in the softest phrases. He was "the learned judge" . . . "if Your Honor please" . . . "we pray the Court. . . ." The learned judge took the matter under advisement.

Exactly one year later, on October 1, 1924, he handed down the decision. It was enormously long and bristled with legal citations. Reasons against the awful suggestion of a new

trial which had not occurred to the astute Mr. Williams, now District Attorney, were marshaled by His more astute Honor. True, Judge Thayer asserted in effect, the identification testimony had been badly shaken; it is hard to send men to death on the say-so of the unmentionable Mrs. Andrews and the elusive Goodridge. True, the generous judge conceded, the expert arms testimony had been badly disturbed; Captain Proctor's knowledge was "limited" anyway. But, gentlemen, you forget the central bugaboo, that vague amorphous thing called "consciousness of guilt."

"These verdicts did not rest, in my judgment, upon the testimony of the eye-witnesses. . . . The evidence that convicted these defendants was circumstantial and was evidence that is known in law as 'consciousness of guilt.'"

In short, Thayer's legal conscience was clear. He could face the Supreme Court calmly. But behind the smooth, closely woven fabric of legal terms one caught a glimpse of hatreds, of the chagrin of an old man balked in his desires. Ghosts in a shroud of legality. Defense counsel, he said, have used duress. They have dared to question the sanctity of a judicial utterance. The friends of the two men, he said, have invoked public opinion, which has no place in a court.

One caught a glimpse, too, of a tongue stuck into a wrinkled cheek. Thayer knew that these matters upon which he was deciding would never be reviewed by any court. Only his right to decide could be questioned in a higher court, not the nature of his judgments. Yet he said:

"In the determination of this motion or any other, in which a new trial has been denied, if I have erred in my judgment—and I fully realize that I am human—let me express the assurance that the Supreme Judicial Court of the Commonwealth will in due time correct the error."

The Supreme Judicial Court of the Commonwealth never did. Under century-old legal precepts still enforced in Massa-

chusetts, the trial judge is sole arbiter on all questions of fact. The higher courts can rule only on questions of law. A bill of exceptions to the trial and the refusal of a retrial was filed on October 2, 1924. It was argued by Thompson before the full bench of that tribunal on January 11, 1926. On May 12, 1926, the higher court upheld Thayer in every respect.

The gist of the opinion of the Supreme Court was that Thayer might be mistaken—it had no power to inquire on that issue—but right or wrong, his judgment must stand. It was legal. The whole business, in fact, was very decorous.



Rollin Kirby, in the *New York World*

CHAPTER XV

SACCO AND VANZETTI WAIT

Sacco's Years in Dedham Jail

WHILE the legal quibbling dragged along, Sacco sat in a cell in the Dedham jail. The jail is a handsome structure. It is set among fine old trees, surrounded by broad green lawns, and does not jar with the genteel atmosphere of the town. But Sacco could not see the lawns. The tops of the trees and a patch of sky which he could see through his bars taunted him with memories of grapevines and olive trees under arching Italian skies.

As he had not yet been sentenced, he was not technically a convict. He was merely being held in custody in a county jail. Only those condemned to hard labor are permitted to work in a county jail. Sacco was thus condemned to idleness. He who had not known the meaning of rest, who had filled his life with toil at a machine and long hours in his garden and intense agitation among his fellow-workers, now did nothing. He could only watch the sky of day shading into the sky of night, the green tree-tops of summer shading into the golden brown of autumn, while he waited months and years for judges to write decisions about him.

He was the "defendant" and "affiant" and "party of the second part." Such abstractions do not suffer. An affiant's mind does not go round and round in an agonized circle of impotence. A defendant does not count the ten thousand interminable minutes between one visit of his wife and children and the next. ("If I have erred in my judgment," said His Honor, "the Supreme Court will correct the error." Thayer was in no hurry.)

Sacco hated the jail with a restless hate. He had smaller resources of philosophy to draw upon than his comrade in Charlestown. When Elizabeth Glendower Evans and others urged him to study English he answered impatiently that it was useless trying to learn in a cage. "Wait until I am free," he would say. Not until after several years of beating on the bars did he attempt to write English. And among the first words he set down haltingly in letters to Mrs. Evans were expressions of his tortured desire for freedom.

"The solitude of this tomb it is sad and dolorous, especially when the father is far from the warm kisses of his dear children."

And later:

"Here I'm alive in this terrible hole! Here, where there is no life and no vegetation: but I live! And I will live for humanity and for the solidarity and for the fraternity and for gratitude to all the friends and comrades who have worked for Sacco and Vanzetti; and I will live for freedom and justice of all of us."

Sacco's mind circled endlessly about his family. His love and sympathy for the world as a whole seemed an easy extension of his love for Sabino and Rosina and his immediate friends. In another letter to the kindly Mrs. Evans—both Sacco and Vanzetti called her "mother"—he speaks of Sabino and the free past. And writing to Mrs. Cerise Carman Jack:

"I remember Mrs. Jack years ago on our love day when I bought the first lovely blue suit for my dear Rosina and that dear remembrance still remains in my heart. That was the first day nineteen twelve, the celebration day of the martyrs of Chicago, that in the mind of the humanity oppressed never will be forget. So in morning May first, nineteen-twelve I dress up with my new blue suit and I went over to see my dear Rosina and I asked her father if he won't let Rosina come with me in the city town to buy something and he said yes. So in afternoon about one o'clock we both us went in city town, and we went in a big store and we bought a brown hat, a white underdress, a

blue suit, one pair brown sock, one pair brown shoes, and after she was all dress up, Mrs. Jack, I wish you could see Rosina, how nice she looked, while now the sufferings of to-day had make her look like an old woman."

And to Mrs. Jessica Henderson:

"Here I am sitting alone always, but with me, in my soul, in my heart, in my mind are all immense legion of the noble and generous friends and comrades. Here I say I'm sitting writing to you these few lines; the sunlight it shines on my face and for a brief time it is a relief to my soul, and it brightens my mind by looking at the clear blue sky and the beautiful mother of nature."

On February 15, 1923, Sacco began a hunger strike. For thirty days he did not touch food. He demanded that his sufferings be ended: Could the cradle of the American Revolution ignore a cry for "liberty or death"? On the thirty-first day, haggard and on the point of collapse, he was removed to the Boston Psychopathic Hospital, where he was fed by force.

For a brief period after the long fast the prison conquered Sacco's mind. Medical experts now haggled about his sanity, even as firearms experts were haggling about his revolver. On April 24 he was removed to the State Hospital for Criminal Insane at Bridgewater. Here he had work, sunshine, a limited amount of movement. In a few months the prison psychosis evaporated—whereupon he was sent back to jail, on September 29.

Vanzetti Caged in Charlestown Prison

The Brinis in Plymouth have in their parlor many specimens of flowers fixed under glass cases. They treasure these flowers as mementos of a kindly philosophic man who once lodged with them.

Vanzetti brought such prizes from long walks in the woods. He was never quite happy indoors; even digging a ditch under the sky was preferable to running a machine under a sooty

ceiling. His happiest hours were spent on the streets of Plymouth pushing a fish-cart and ringing a bell. Often he steered the cart to the waterfront and watched the boats. Sometimes he waded into the mud and dug for clams.

And now Vanzetti was caged in one of the long tiers of cells in the State Prison at Charlestown. Only dim echoes of the legal battles and the international demonstrations reached him. He worked in the prison tailor shop, later on the coal heap, and he read voluminously. But the yearning for the outdoors was as sharp as Sacco's yearning for Rosina and Dante and Inez. Even the brief trips to the Dedham courthouse when motions were being argued were a blessing. After one such trip he wrote to Mrs. Evans about the thrill of seeing trees and skies—and free human beings—again:

"I was then regretting to have only a pair of eyes, able to look in one direction alone. I observe everything, the trees, the bushes, the grass, the rocks, and the brook along the way on which I was raptured. The drops of dew look like pearls; the sky reflects himself in the waters of the brook and let one think that it is bottomless. . . .

"O, funny, humble, old, little houses that I love; little houses always big enough for the greatest loves. . . . Here I see two girls of the people going to work. They look like to be sisters. Their shoulders are more large than those of the girls I meet a little before, but a little curved. On their pale faces are lines of sorrow and distress. There is suffering in their big, deep, full eyes. Poor plebeian girls, where are the roses of your springtime?"

Vanzetti's range of interests, however, was so wide that even his imprisonment was crowded with work and plans for work. "I feel the fever of knowledge in me," he wrote to Mrs. Evans after reading a chapter in William James' *Psychology*. He read all the books he could get. He attempted translations from English into Italian and from Italian into English. From his prison cell he contributed articles on syndicalism to Italian publications. Upon him fell the task of preparing

statements relating to the case. He wrote an autobiographical article, *The Story of a Proletarian Life*, which was published serially in twenty labor papers in English translation and evoked considerable praise. He wrote a longer narrative, almost novel length, based on episodes in his life. And at the same time he maintained wide contacts outside through correspondence.

Scores of men and women, Italians and Americans, have his letters. The spirit that animates them all is the same and a few excerpts reveal Vanzetti's broad mental horizons. He talks as easily, as familiarly, about metaphysical concepts as does Sacco about Rosina's first shopping tour in his company. The thoughtfulness of Mrs. Evans in collecting his letters makes it possible to quote from them.

This, from a letter to her, might serve as a text for the whole Sacco-Vanzetti case:

"In my opinion the human afflictions caused by human faults are due, not so much to lack of morals sense, but to wrong application of it. The sentiment of justice too can become a source of injustice when wrong.

"The crusades, for example, were possible by the exploitation of religious sentiment and love of freedom proper of individuals and collectivities. Most of the humble tools of the 'Inquisition' believed to be fair with their victims because by thus torturing the bodies they will save the souls of them."

The following is from one of the first letters immediately after the conviction:

"Thanks to you from the bottom of my heart for your confidence in my innocence; I am so. I did not spill a drop of blood, or steal a cent in all my life. A little knowledge of the past; a sorrowful experience of the life itself had gave to me some ideas very different from those of many other human beings. But I wish to convince my fellow-men that only with virtue and honesty is possible for us to find a little happiness in the world. I preached: I worked. I wished with all my faculties that the social wealth would belong to every human creature, so

well as it was the fruit of the work of all. But this do not mean robbery for a insurrection."

Vanzetti's grasp of reality is attested by another letter, in which he objects to literature unrelated to the real problems of living:

"I am reading an English prose translation of *Gitanjali* by Rabindranath Tagore. Except the beauty of language, the wonderful style and grammatical correctness, there is nothing new, nothing of unknown in it. Of course, great sentiments, sensibility, a lyric pantheistic feeling of the great mystery of which we are a part. But nothing else.

"I value more the natural sciences that give us little but positive knowledge—which teaches better than anything else the great epic writer in every square inch of the universe. Emotions and sentiments are maybe the greatest part of life, but too often, when alone, they lead mankind astray. Not a word, in all these Tagore's beautiful poetries about social problems. Maybe a remote, so to say, incitation to freedom."

There runs through all his letters a simplicity, a modesty, a gentleness which perhaps explain his ferocious mustache. "This evening," he writes, "I have received a letter from our great sublime Debs. I am touched by his goodness and greatness. Proud, even if a little ashamed of his friendship, appreciation and praises." It takes a huge mustache to cover this little feeling of shame, this shrinking from the limelight. His correspondence abounds in little bursts of almost boyish enthusiasm, sympathy, touches of humor.

He tried to live in his books and correspondence while lawyers and experts quibbled in his name. These interludes of escape sharpened the eternities of yearning that inevitably came between. Vanzetti's mind, too, was temporarily shaken by the protracted torture of hope. On January 2, 1925, after nearly five years of imprisonment, he was committed to the Bridgewater Hospital for the Criminal Insane.

A few months during which he could watch winter melt away and spring bursting to life sufficed to restore his sanity

completely. An enlightened administration of this hospital permitted young Beltrando Brini to come there and play his violin for Vanzetti. It was Vanzetti who first recognized and encouraged musical talent in the boy; it was a bond between them which made them as father and son. On April 23 Vanzetti was sent back to the black hole in the many long tiers of black holes in Charlestown.



D. Moore, in the *Moscow Pravda*

CHAPTER XVI

CELESTINO MADEIROS ENTERS THE CASE

A Criminal Confesses to the Murders

THIS is the story of another immigrant, the boy Celestino Madeiros, born in the Azores of Portuguese parents and brought up in the slums of New Bedford, Massachusetts. He was educated in water-front dives with hijackers, pimps, freight-car robbers, and thugs as teachers. Crime was his calling and he brought to it the cardinal virtues of all business: perseverance, devotion and unscrupulousness. And in his way he made good. He became "the kid" to the redoubtable Morelli gang of Providence.

There was in Madeiros no taint of Red and doubtless he would have joined parties of hoodlums to raid Red headquarters if asked. Yet his life mysteriously crossed that of Nicola Sacco and his death became grotesquely tangled with the deaths of Sacco and Vanzetti.

In April, 1920, Madeiros was a boy of eighteen, still serving an apprenticeship to the Morellis and other bandits. They used him as a convenient "extra man" in their enterprises. He was proud, though scared, of his share in exploits that ran over into the newspapers. On the 15th of that month he was taken along to "a job" at South Braintree. Frightened, drunk, dazed, Madeiros sat in the back seat of the Buick. He saw two men sink to the ground; he knew that the automobile was running away; he recalled that they all spent some time in a "speakeasy" where his drunkenness was reinforced. He had been through another "job" . . . another stripe on his criminal record.

After that he was jailed for a while for robbery in Rhode

Island. He consorted with bootleggers and hijackers and prostitutes. For some time he acted as "bouncer" in a disorderly roadhouse. But all the time he remembered that he had been with the Morelli bunch in the big South Braintree affair. Two Italians, Sacco and Vanzetti, had been convicted for this crime and their friends were making a lot of noise about it. That's how he remembered.

Madeiros, when under the influence of drink, boasted about his knowledge of the South Braintree crime. Sure, he said, it was the Joe Morelli crowd that done it. Those Sacco-Vanzetti fellows will get off anyhow, he said. They've got lots of friends and lots of money; but if they ever try to burn 'em in the chair I'll tell some things maybe. His companions probably told him that he was crazy and should keep his mouth shut.

Then he was caught after a bank robbery at Wrentham, in which an aged bank cashier was killed. He confessed and was condemned to die. In the Dedham jail he saw Sacco. For an hour each day, when the prisoners were in the yard, he could talk to Sacco.

"Nick," he said, "I know who done the job."

Sacco ignored him. He had been beset by spies and provocateurs and had learned discretion.

How is one to know the dim processes of Madeiros' mind? Something he knew was making him restless. He was doomed anyhow, why not tell? He saw Rosina coming to see her husband. Men facing death, even bewildered young desperadoes, sometimes become sentimental. "Mother songs" and "Home Sweet Home" are popular in prisons. Maybe, too, he had some vague notion of benefiting from telling what he knew.

In any event, Madeiros tried desperately to make Sacco listen. Then he sent a written confession to the warden, with the request that he forward it to the Boston *American*. Nothing happened; the warden ignored his note. Finally, on No-

vember 18, 1925, he enclosed a slip of paper in a magazine and sent it to Sacco. The slip read:

"I hereby confess to being in the South Braintree Shoe Company crime and Sacco and Vanzetti were not in said crime.—Celestino F. Madeiros."

Sacco sent the note through a member of the defense committee to his lawyer, Thompson, who promptly followed it up. He talked to Madeiros, to James Weeks—who was serving a term for his part in the Wrentham bank murder,—to others who might corroborate details of Madeiros' account. The result was another motion for a new trial, filed on May 26, 1926, supported by dozens of affidavits.

Madeiros in a sworn statement gave the details of the facts summarized above. He made it clear that he had done no shooting himself, and that throughout the proceedings he was in the back seat of the car, sodden and scared. Later, judges and college presidents made a great noise of his inability to remember definitely the location of buildings, the precise route of the car, etc. But reading the affidavit one sees such defects of memory not only as natural but as inevitable. One sees an overgrown boy of 18 huddled in the back seat of a car, scarcely aware of what was happening. One sees him in the years that followed, as he read of the Sacco-Vanzetti case on the front pages, thrilled and abashed by his superior knowledge.

The corroborating affidavits contained one from Weeks, in which the older man tells of Madeiros having boasted of his participation in the South Braintree crime. A statement by a Boston newspaperman helped locate the "speakeasy" where the Morelli bandits had stopped on the afternoon of the crime.

More important still, Ellsworth C. Jacobs, an inspector of the New Bedford police familiar with the Morelli gang, swore that on April 15 he saw Michael Morelli and two other men in a Buick car. He made a note of the number; about ten days later he saw the same number transferred to another

automobile, apparently belonging to the Morellis. At the time of the South Braintree crime, Inspector Jacobs testified, he suspected the Morelli gang. He went as far as discussing his suspicions with other police officials. But they dropped the idea when two likely persons, Sacco and Vanzetti, were arrested.

How did the known members of the Morelli gang compare with the testimony given at the trial of Sacco and Vanzetti? Did they fit into the circumstances of the crime? The following is Professor Frankfurter's analysis on these points:

"The leader of the (Morelli) gang was Joe, aged thirty-nine. His brothers were Mike, Patsy, Butsy, and Fred. Other members were Bibba Barone, Gyp the Blood, Mancini, and Steve the Pole. Bibba Barone and Fred Morelli were in jail on April 15, 1920. According to Madeiros there were five, including himself, in the murder car, three of whom were Italians, and the driver 'Polish or Finland or something northern Europe.' The shooting was done by the oldest of the Italians, a man of about forty, and another called Bill. A fourth Italian brought up the Buick car for exchange at Randolph. As far as his descriptions carry, Madeiros' party fits the members of the Morelli gang. But the testimony of independent witnesses corroborates Madeiros and makes the identification decisive. One of the gravest difficulties of the prosecution's case against Sacco and Vanzetti was the collapse of the Government's attempt to identify the driver of the murder car as Vanzetti. The District Attorney told the jury that 'they must be overwhelmed with the testimony that when the car started it was driven by a light-haired man, who gave every appearance of being sickly.' Steve the Pole satisfies Madeiros' description of the driver as well as the testimony at the trial. To set the matter beyond a doubt, two women who were working in the Slater & Morrill factory identified Steve the Pole as the man they saw standing for half an hour by a car outside their window that day. Two witnesses who testified at the trial identified Joe Morelli as one of the men who did the shooting and another identified Mancini. The Morellis were American-born, which will explain the testimony at the trial that one of the bandits spoke clear and unmistakable English, a thing impossible to Sacco and Vanzetti.

"Plainly the personnel of the Morelli gang fits the Braintree

crime. What of other details? The mortal bullet came out of a .32 Colt; Joe Morelli had a .32 Colt at this time. Mancini's pistol was of a type and caliber to account for the other five bullets found in the victim. The 'murder car' at the trial was a Buick. Madeiros said a Buick was used; and Mike Morelli, according to the New Bedford police, at this time was driving a Buick, which disappeared immediately after April 15, 1920. In fact the police of New Bedford, where the Morelli gang had been operating, suspected them of the Braintree crime, but dropped the matter after the arrest of Sacco and Vanzetti. Shortly after the Braintree job Madeiros was imprisoned for five months for larceny of an amount less than \$100. But immediately after his release he had about \$2,800 in bank, which enabled him to go on a pleasure trip to the West and Mexico. The \$2,800 is unaccounted for otherwise than as his share of the Braintree booty."

Madeiros' confession found corroboration in a hundred details outside of the confession itself. The theory that the Morelli gang committed the crime presents no mysteries; there is an obvious motive, there is an indication of all five men involved, there are signs of the booty. The prosecution's accusation against Sacco and Vanzetti did not account for three more men involved in the crime. It did not explain why men who were not criminals—except insofar as they were Reds—should turn criminals for a day. It showed no trace of the money seized from the murdered paymaster and his guard.

Optimistic friends of Sacco and Vanzetti were overjoyed by the Madeiros disclosures. Surely, they said, Massachusetts cannot let two men die with such strong presumption of their innocence made public.

Two Federal Agents Disclose a Conspiracy

The stock answer of American representatives abroad when petitioned in behalf of Sacco and Vanzetti was that the case was entirely the concern of the State of Massachusetts; the Federal government had no hand in their conviction and could do nothing to obtain a new trial for them,

The State Department, however, was merely insisting on a technicality. The relation of the Department of Justice to the case was well known. In 1926 the known fact was made a matter of sworn court record by a series of affidavits revealing collusion between the federal and the state governments to convict Sacco and Vanzetti.

Lawrence Letherman was in the federal service for thirty-six years. For twenty-five years ending September, 1921, he was a Post Office Inspector; for three years thereafter he was in charge of the Bureau of Investigation for the Boston office of the Department of Justice. According to his affidavit, Letherman while still in the Post Office service "coöperated to a considerable extent with the agents of the Department of Justice in matters of joint concern, including the Sacco-Vanzetti case." The affidavit recounts how the Federal government put spies near Sacco and tried to put one into Rosina's home; how it spied upon the defense group. And it adds:

"The Department of Justice in Boston was anxious to get sufficient evidence against Sacco and Vanzetti to deport them, but never succeeded in getting the kind and amount of evidence required for that purpose. It was the opinion of the Department agents here that a conviction of Sacco and Vanzetti for murder would be one way of disposing of these two men. It was also the general opinion of such agents in Boston as had any knowledge of the Sacco-Vanzetti case, that Sacco and Vanzetti, although anarchists and agitators, were not highway robbers, and had nothing to do with the South Braintree crime. My opinion, and the opinion of most of the older men in the Government service, has always been that the South Braintree crime was the work of professionals."

Fred J. Weyand worked for the Department of Justice from 1916 to 1924. He was actively engaged in Attorney General Palmer's crusades against the Reds. He made a full affidavit showing how the names of Sacco and Vanzetti had been put into the files of the Department sometime before their arrest, "as radicals to be watched." He told how certain reverses in

the courts reacted "to make all agents of the Department of Justice more cautious afterwards in proceedings against radicals." Presumably they hesitated for some time to seize Sacco and Vanzetti. Weyand then declares:

"I am also thoroughly convinced and always have been, and I believe that is and always has been the opinion of such Boston agents of the Department as had any knowledge on the subject, that these men had nothing whatever to do with the South Braintree murders, and that their conviction was the result of co-operation between the Boston agents of the Department of Justice and the District Attorney. It was the general opinion of the Boston agents of the Department of Justice having knowledge of the affair that the South Braintree crime was committed by a gang of professional highwaymen."

Both Letherman and Weyand are men with records for diligent service to the Government. Other affidavits and documents filed in connection with the motion for retrial bore out their disclosures. An Italian who did occasional work for detective bureaus, John Ruzzamenti, told how he had been brought from his home in Pennsylvania to spy on Rosina. The arrangements went amiss through pecuniary misunderstandings.

The vague picture of the Department of Justice supporting the prosecution was filled in with specific facts, with dates and names.

CHAPTER XVII

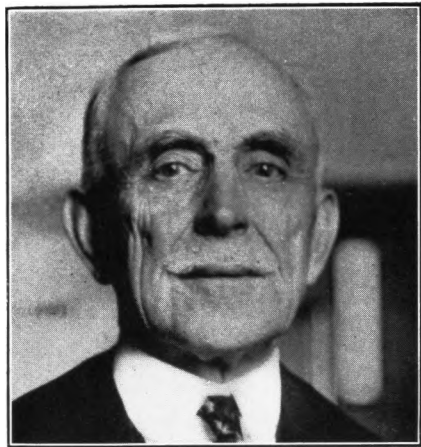
LEGAL MATHEMATICS

The Courts Disregard Madeiros' Confession

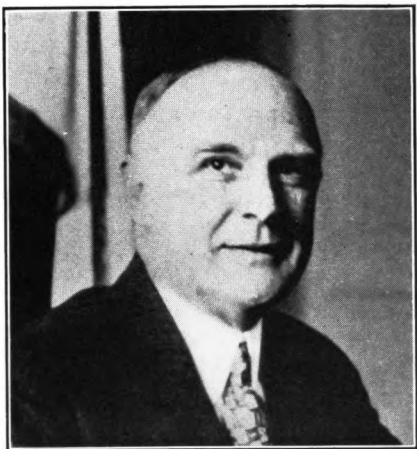
AGAIN Judge Thayer heard a motion for a new trial, in September, 1926. The condemned men were not in court. Their case, as John Dos Passos wrote at the time, had been "abstracted into a sort of mathematics." Sacco and Vanzetti were the x and y of a legal hypothesis. Slowly the Madeiros story was unwound, affidavit by affidavit. Then the part played by the Department of Justice was pieced together in other affidavits. Lines and angles in the mathematical abstraction.

But when William G. Thompson rose to argue the motion, human figures emerged from the maze of lines and angles: the hijackers and rum-runners among whom Madeiros had his being, police agents laying snares for Rosina Sacco, for members of the defense committee, for the men who waited in the shadow of the electric chair. The walls of the little court-room fell away as Thompson talked, revealing millions of men and women at home and in distant lands watching and listening. . . .

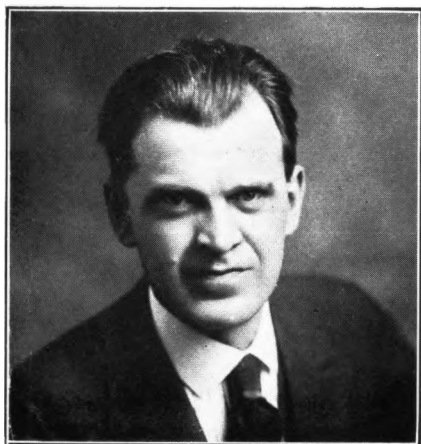
If Madeiros was in South Braintree, Thompson declared, then Sacco and Vanzetti were not. What would His Honor do about it? If the prosecutors "had gone to New Bedford and talked with policeman Jacobs and the inspector they would have arrested the Morellis. And if they got the evidence we have got and you had been the committing magistrate you would have held the Morellis." There is enough in the affidavits on your desk now to require an indictment



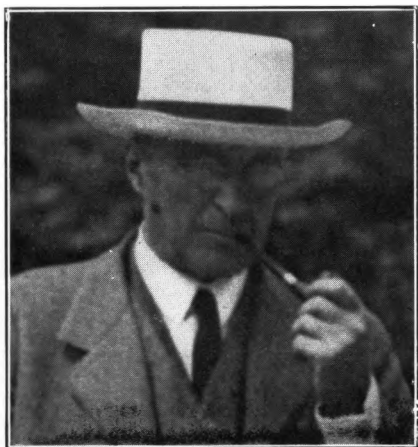
Judge Webster Thayer



Governor Alvan T. Fuller
of Massachusetts



Attorney Fred H. Moore



Attorney William G. Thompson

against the Morellis. How can you permit Sacco and Vanzetti to go to their death under such circumstances?

With the calm precision of a surgeon using a scalpel, Thompson uncovered layers of the trial evidence, showing how the agents of the Commonwealth had shifted some evidence and blurred some more to strengthen their case. Mr. Williams in his opening address to the jury had indicated that Vanzetti was the driver of the bandit car. This charge was abandoned. Two women shoe workers had seen the driver closely, but would not identify Vanzetti. Later they identified one Steve the Pole, a member of the Morelli gang. Why were not such clues followed to their logical end? Why was the state so anxious to exonerate the Morelli group when they were known to have robbed and killed throughout New England?

"Does that show," Mr. Thompson asked, "that the Government was trying to find the truth, or that it was trying to convict these men for some other reason? Mr. Katzmann, I believe, thought they were guilty, though I think it was strange that he should so differ from the Federal officials and from Captain Proctor of the State Police. Proctor said he told the District Attorney before the trial that he believed the Government had got hold of the wrong men. Were the prosecuting officers theory-ridden? That's a charitable way to put it."

Then Thompson drew an incisive picture of the federal Government carrying its grudge against Reds into a murder trial in Massachusetts. The spy placed in a cell near Sacco. A federal agent ingratiating himself with the defense group. Another going through the lawyer's wastebasket daily. An effort to place a spy in Mrs. Sacco's home.

The prosecutor had called Letherman and Weyand "disloyal" because they disclosed secrets of the Department of Justice.

"What are the secrets which they admit?" Thompson asked. "A government which has come to value its own secrets more than it does the lives of its citizens has become a tyranny. . . . Secrets, secrets! And he says you should abstain from touch-

ing this verdict of your jury because it is so sacred. Would they not have liked to know something about the secrets? The case is admitted by that inadvertent concession. There are, then, secrets to be admitted."

Thayer merely listened. Then he took the matter "under advisement." There must be no rush about this thing. Looked at too hastily the panorama of intrigue and suppressions which Thompson uncovered would certainly require a new trial. Considered on its general merits the Madeiros confession would certainly require a new trial. Judge Thayer is too learned in the law to look hastily or be impressed by general merits. He would take ample time to write a denial.

The denial was duly issued on October 24, in a document of about 30,000 words. It goes to great length in an effort to exonerate the Morelli gang, and to show that the judge and the prosecutor were fair in the conduct of the trial. In an effort to bolster up his position by the authority of the higher courts, he repeats many times that the Supreme Court had sustained the verdict against Sacco and Vanzetti. (The Supreme Court, of course, never ruled on the verdict. It only ruled on the propriety of Thayer's various decisions.) As to the accusation against the Federal Government, Thayer did not believe that it could have "stooped so low" as "to enter into a fraudulent conspiracy with the government of Massachusetts to send two men to the electric chair, not because they were murderers, but because they were radicals." Then, forgetting legalistic dignity for a moment, Judge Thayer bursts into an attack on Thompson:

"Since the trial before the jury of these cases, a new type of disease would seem to have developed. It might be called 'lego-psychic neurosis' or 'hysteria,' which means a belief in the existence of something which in fact and truth has no such existence."

Allusions to this new disease which he invented for Thompson recur in other parts of Thayer's decision. Even respect-

able Boston gaped at the tone of the whole document. It is one thing to call a California lawyer who defends radicals hard names; it is another to accuse a member of the Council of the Boston Bar Association of insanity.

An appeal against this decision was made to the Supreme Court, which heard arguments on February 27, 1927. The vicious attack on his sanity and character had deeply affected Thompson. His argument to the Supreme Court expresses a sort of bewilderment that legal decencies should be so ruthlessly cast aside. A lifetime of legal certainties seemed to have been impugned by a shrunken judge in a black cowl. Thompson, like a million others, began to gather dimly that the legal processes are not adapted to try men like Sacco and Vanzetti. He pointed out that Thayer's actions "constitute a menace to counsel, intimidating men who have done no more than their duty."

The Court listened respectfully, retired to consider the matter, and on April 5 overruled all exceptions. They again sustained Judge Thayer's right to be wrong. Judge Thayer, thus sustained, promptly summoned counsel and defendants to Dedham to pronounce sentence and set a day for the execution.

Middle-Class Fears for "Our Institutions"

Public interest in the case had become intense again with the filing of the Madeiros confession. The whole world felt that the drama in Massachusetts must soon reach a consummation. The arguments in court, the extraordinary document issued by Thayer and the ritual of appeals and denials increased the tension. Meetings, articles, appeals by the hundred voiced anger, dismay and hope.

Now for the first time a sector of the middle classes of the world, including a considerable element of respectable patriotic Americans, joined in the demand for a new trial. The great ground-swell of working class protest animated this re-

vived interest. Without that, the other protests would have collapsed, if indeed they would ever have been stirred into being at all.

This middle-class outcry for a new trial was infinitely smaller than it seemed. The radicals, seeing support from an unexpected direction, promptly exaggerated its magnitude and its strength. The conservative press gave these recruits first place in their reports—curiously making a virtue of the fact that they were six years late in finding the truth! A meeting of 10,000 workers pledging their heart's blood to Sacco and Vanzetti as comrades and brothers was given a paragraph in the day's news. And a timid expression of hope that Massachusetts would yet save its fair name, if signed by a single clergyman or fourth assistant district attorney, was given the same space.

This new element, however, dominated the defense in the last months of 1926 and the first months of 1927. It did not assume outright control of the defense machinery, but it put its stamp upon every action of the defense committee and defense lawyers, until the tragic final weeks at last exposed the impotence of these reinforcements. The thing was almost inevitable. The defense group was exhausted by the long fight and beginning to despair of the effectiveness of working class influence. It reached out in a revival of hope for the proffered assistance.

The new element had behind it powerful conservative newspapers, liberal and near-liberal periodicals. It included men and women whose names ranked high in education and religion and art—even in business and politics. It represented the temperate middle-of-the-road portion of humanity which is commonly supposed to hold a kind of balance of power between the laboring masses on the one hand and the intrenched money powers on the other. It now threw the balance on the side of Sacco and Vanzetti. No wonder that optimism prevailed.

The New York *World* led all the rest at this period. It sent its labor reporter into New England and he emerged with a series of articles based almost entirely on the Madeiros and Department of Justice affidavits, and overlooking the mass of new evidence already thrown out by the courts. There was no use raking up old complaints against Massachusetts. Things were different now. Now the anti-Red hysteria had subsided. The attorney who had irritated His Honor was back in California. An ultra-conservative lawyer was in charge. Respectable public opinion was rallying to the defense. The Massachusetts judiciary had not failed, it had merely faltered. Everything would be straightened out quickly.

Such was the purport of those articles, echoed in the editorial columns of the *World*. And such was the underlying assumption of the Baltimore *Sun* and the Springfield *Republican*. When Thayer threw out the Madeiros confession and abused Thompson this respectable opinion was chagrined. It "regretted" and was "astounded." But it kept on smiling, pinning its hopes on the next legal step.

The Boston *Herald* had been bitterly opposed to Sacco, Vanzetti, and their friends. But Thayer's decision was more than it could swallow at the moment. It published an editorial, subsequently awarded the Pulitzer Prize for the best editorial of 1926, which read in part:

"In our opinion Nicola Sacco and Bartolomeo Vanzetti ought not to be executed on the warrant of the verdict returned by a jury on July 14, 1921. We do not know whether these men are guilty or not. We have no sympathy with the half-baked views which they profess. But as months have merged into years and the great debate over this case has continued, our doubts have solidified slowly into convictions, and reluctantly we have found ourselves compelled to reverse our original judgment. . . . We have read the full decision in which Judge Webster Thayer, who presided at the original trial, renders his decision against the application for a new trial, and we submit that it carries the tone of the advocate rather than the arbitrator. . . ."

Professor Felix Frankfurter, who had been interested in the case for years, published a long article in the *Atlantic Monthly* analyzing the case from the record and reaching the conclusion that they had not been proved guilty. The article was later published in book form, and is beyond doubt the best summary of the legal phases of the case yet made. The conclusion of the book is significant of the whole middle-class protest movement at this time. After disclosing how all the established institutions had worked together in an orgy of persecution, he reaffirms his faith in those institutions. The demands for a new trial, he pleads, "in no wise imply an attempt to undermine the necessary safeguards of society against crime. . . . Rather do they reveal confidence in our institutions and their capacity to rectify errors."

The liberals remained confident. Beyond the point of confidence the road becomes rough, and is filled with political and social outlaws who have discovered that by a curious chance the sad exception to the rule of justice is always—always—the leader of the workers.

The keynote of the middle-class movement was faith in the judicial processes. It aimed "to save our institutions." To do this, saving Sacco and Vanzetti was necessary, but incidental.

CHAPTER XVIII

JUDGMENT DAY IN DEDHAM

Vanzetti Faces Judge Thayer

SACCO and Vanzetti were brought into the neatly swept court room at Dedham on April 9, 1927, to hear themselves sentenced to die in the electric chair. The scene was fully illumined; the press of the entire world was represented, millions who felt deeply about the case watched with bated breath. The sentencing was merely a formality, yet it seemed that something might happen. . . .

And something did happen. Vanzetti made a speech to the court. For the great epic of the class struggle there is a prologue ready-made: Bartolomeo Vanzetti and Judge Webster Thayer facing each other in the illumined court room of Dedham.

Judge Thayer on the rostrum of authority, a narrow figure mumbling dead words. Words as cold and precise as corpses. Words disinterred from the morgues of statute and precedent. Words that evoke a musty ingrown past.

And Vanzetti in the prisoner's cage. Alive, far-seeing, reaching out for words to express a new vision, groping for electric words to light up new vistas. Finding words that touch off the imagination and explode the walls of the narrow court-room.

Behind Thayer, the dead accumulations of precedent and wealth and privilege, guarded by bayonets. A narrow world that is organized, rigid and unfeeling. Behind Vanzetti, the multitudes, as yet unorganized: the amorphous multitudes, surging forward and retreating and surging further forward,

their live bodies and their live hopes against the dead past and its bayonets.

Thayer barricaded by statute books and surrounded by bayonets is yet a weak, shrinking figure, frightened by his own black cowl, by the sinister memories of witch-hangings, by the stinging of light on eyes accustomed to shadow. He rises to pronounce the dead formula of death.

"The jury did it," he mumbles, "the jury, not I. The jury and the law and the court—not I. I am just a small sick man about to die."

And Vanzetti standing, it seems alone, but erect and unafraid, speaking with the voice of a million. He, too, pronounces a death verdict. It is directed against the decaying past; not merely against the lonely frightened figure on the rostrum of authority. He speaks for the weak, the despised, the intimidated. Vanzetti does not explain nor apologize. He condemns with words of fire and challenges with the resonance of a million throats.

Thayer—old, worn, dyspeptic, bitter—has come to judge the men in the prisoner's cage. But he shrinks from their words and their gaze. The skeleton clatter of his formula is lost in the echoes of Vanzetti's verdict. For it is Vanzetti—calm, eloquent in the awareness of multitudes speaking through his voice—who does the judging.

A Judge is Condemned

"Nicola Sacco," the clerk asked, "have you anything to say why sentence of death should not be passed upon you?"

Sacco replied that his friend Vanzetti would speak for both.

Nevertheless his feelings got the better of him, and he exclaimed:

"I never knew, never heard, even read in history anything so cruel as this Court. After seven years' prosecuting they still consider us guilty. And these gentle people here are arrayed with us in this court to-day.

"I know the sentence will be between two classes, the oppressed class and the rich class, and there will be always collision between one and the other. We fraternize the people with the books, with the literature. You persecute the people, tyrannize them and kill them. We try the education of people always. You try to put a path between us and some other nationality that hates each other. That is why I am here to-day on this bench, for having been of the oppressed class. Well, you are the oppressor.

"You know it, Judge Thayer—you know all my life, you know why I have been here, and after seven years that you have been persecuting me and my poor wife, and you still to-day sentence us to death. I would like to tell all my life, but what is the use?"

"Bartolomeo Vanzetti," the clerk repeated, "have you anything to say why sentence of death should not be passed upon you?"

"Yes," Vanzetti replied.

He talked quietly, with a gentle smile, as one talks to children. He paused to find a word in the tongue foreign to him . . . but the simple homely sentiments which are not in law-books came without pauses, from somewhere deep within him.

"What I say," Vanzetti began, "is that I am innocent, not only of the Braintree crime, but also of the Bridgewater crime. That I am not only innocent of these two crimes, but in all my life I have never stolen and I have never killed and I have never spilled blood. That is what I want to say. And it is not all. Not only am I innocent of these two crimes, not only in all my life I have never stolen, never killed, never spilled blood, but I have struggled all my life, since I began to reason, to eliminate crime from the earth.

"Everybody that knows these two arms knows very well that I did not need to go into the streets and kill a man or try to take money. I can live by my two hands and live well. But besides that, I can live even without work with my hands for other people. I have had plenty of chance to live independently and to live what the world conceives to be a higher life than to gain our bread with the sweat of our brow.

"My father in Italy is in a good condition. I could have come

back in Italy and he would have welcomed me every time with open arms. Even if I come back there with not a cent in my pocket, my father could have give me a position, not to work but to make business, or to oversee upon the land that he owns.

" . . . Well, I want to reach a little point farther, and it is this, that not only have I not been trying to steal in Bridgewater, not only have I not been in Braintree to steal and kill and have never stolen or killed or spilt blood in all my life, not only have I struggled hard against crimes, but I have refused myself of what are considered the commodity and glories of life, the prides of a life of a good position, because in my consideration it is not right to exploit man. I have refused to go in business because I understand that business is a speculation on profit upon certain people that must depend upon the business man, and I do not consider that that is right and therefore I refuse to do that.

"Now, I should say that I am not only innocent of all these things, not only have I never committed a real crime in my life—though some sins but not crimes—not only have I struggled all my life to eliminate crimes, the crimes that the official law and the moral law condemns, but also the crime that the moral law and the official law sanction and sanctify,—the exploitation and the oppression of the man by the man, and if there is a reason why I am here as a guilty man, if there is a reason why you in a few minutes can doom me, it is this reason and none else.

"There is the best man I ever cast my eyes upon since I lived, a man that will last and will grow always more near to and more dear to the heart of the people, so long as admiration for goodness, for virtues, and for sacrifice will last. I mean Eugene Victor Debs. He has said that not even a dog that kills chickens would have found an American jury disposed to convict it with the proof that the Commonwealth has produced against us.

" . . . He knew, and not only he knew, but every man of understanding in the world, not only in this country but also in other countries, men to whom we have provided a certain amount of the records of the case at times, they all know and still stick with us, the flower of mankind of Europe, the better writers, the greatest thinkers of Europe, have pleaded in our favor. The greatest scientists, the greatest statesmen of Europe have pleaded in our favor.

"Is it possible that only a few, a handful of men of the jury,

only two or three other men, who would shame their mother for worldly honor and for earthly fortune; is it possible that they are right against the world? For the whole world has said that it is wrong and I know that it is wrong. If there is one that should know it, if it is right or if it is wrong, it is I and this man. You see, it is seven years that we are in jail. What we have suffered during these seven years no human tongue can say, and yet you see me before you, not trembling, you see me looking you in your eyes straight, not blushing, not changing color, not ashamed or in fear.

" . . . We have proved that there could not have been another judge on the face of the earth more prejudiced, more cruel and more hostile than you have been against us. We have proven that. Still they refuse the new trial. We know, and you know in your heart, that you have been against us from the very beginning, before you see us. Before you see us you already know that we were radicals, that we were underdogs, that we were the enemy of the institutions that you can believe in good faith in their goodness—I don't want to discuss that—and that it was easy at the time of the first trial to get a verdict of guilty.

"We know that you have spoken yourself, and have spoke your hostility against us, and your despisement against us with friends of yours on the train, at the University Club of Boston, at the Golf Club of Worcester. I am sure that if the people who know all what you say against us have the civil courage to take the stand, maybe Your Honor—I am sorry to say this because you are an old man, and I have an old father—but maybe you would be beside us in good justice at this time.

"When you sentenced me at the Plymouth trial you say, to the best of my memory, of my good faith, that crimes were in accordance with my principle—something of that sort—and you took off one charge, if I remember it exactly, from the jury. The jury was so violent against me that they found me guilty of both charges, because they were only two. But they would have found me guilty of a dozen of charges against Your Honor's instructions. Of course I remember that you told them that there was no reason to believe that if I were the bandit I have intention to kill somebody, so that they should take off the indictment of attempt to murder. Well, they found me guilty of what? Also of an attempt to murder. And if I am right, you take out that and sentence me only for attempt to rob with arms,—something like that. But, Judge Thayer, you give more to me

for that attempt of robbery than all the 448 men that were in Charlestown, all of those that attempted to rob, all those that have robbed, they have not such a sentence as you gave to me for an attempt at robbery.

" . . . None of them has twelve to fifteen, as you gave me for an attempt at robbery. And besides that, you know that I was not guilty; that I had not been in Bridgewater attempting to steal. You know that my life, my private and public life in Plymouth, and wherever I have been, was so exemplary that one of the worst fears of our prosecutor Katzmman was to introduce proof of our life and of our conduct. He opposed it with all his might and he succeeded.

" . . . We were tried during a time whose character has now passed into history. I mean by that, a time when there was a hysteria of resentment and hate against the people of our principles, against the foreigners, against slackers, and it seems to me—rather, I am positive of it, that both you and Mr. Katzmman have done all what it were in your power in order to work out, in order to agitate still more the passion of the juror, the prejudice of the juror, against us.

" . . . We believe more now than ever that war is wrong, and we are against war more now than ever, and I am glad to be on the doomed scaffold if I can say to mankind, 'Look out; you are in a catacomb of the flower of mankind. For what? All that they say to you, all that they have promised to you—it was a lie, it was an illusion, it was a cheat, it was a fraud, it was a crime. They promised you liberty. Where is liberty? They promised you prosperity. Where is prosperity? They have promised you elevation. Where is the elevation?'

"From the day that I went in Charlestown, the misfortunate, the population of Charlestown, has doubled in number. Where is the moral good that the war has given to the world? Where is the spiritual progress that we have achieved from the war? Where are the security of life, the security of the things that we possess for our necessity? Where is the respect for human life? Where are the respect and the admiration for the good characteristics and the good of the human nature? Never before the war as now have there been so many crimes, so much corruption, so much degeneration as there is now.

" . . . Well, I have already said that I not only am not guilty of these two crimes, but I never committed a crime in my life. I have never stolen and I have never killed and I have never spilt

blood, and I have fought against crime, and I have fought and I have sacrificed myself even to eliminate the crimes that the law and the church legitimate and sanctify.

"This is what I say: I would not wish to a dog or to a snake, to the most low and misfortunate creature of the earth—I would not wish to any of them what I have had to suffer for things that I am not guilty of. I am suffering because I am a radical and indeed I am a radical; I have suffered because I was an Italian, and indeed I am an Italian; I have suffered more for my family and for my beloved than for myself; but I am so convinced to be right that you can only kill me once but if you could execute me two times, and if I could be reborn two other times, I would live again to do what I have done already.

"I have finished. Thank you."

Then Judge Thayer rose to speak. He rose to pronounce sentence of death. But first he paused to apologize. He paused to exhibit a stainless legal conscience—and his thin voice trembled.

"Under the law of Massachusetts," he began, "the jury says whether a defendant is guilty or innocent. The Court has absolutely nothing to do with that question. The law of Massachusetts provides that a judge cannot deal in any way with the facts. As far as he can go under our law is to state the evidence.

"During the trial many exceptions were taken. Those exceptions were taken to the Supreme Judicial Court. That Court, after examining the entire record, after examining all the exceptions—that Court in its final words said, 'The verdicts of the jury should stand; exceptions overruled.' That being true there is only one thing that this Court can do. It is not a matter of discretion. It is a matter of statutory requirement, and that being true there is only one duty that now devolves upon this Court, and that is to pronounce the sentence.

"It is considered and ordered by the Court that you, Nicola Sacco, suffer the punishment of death by the passage of a current of electricity through your body within the week beginning on Sunday, the tenth day of July, in the Year of our Lord One Thousand, Nine Hundred and Twenty-seven. This is the sentence of the law.

"It is considered and ordered by the Court that you, Bartolomeo Vanzetti . . ."

Vanzetti: "Wait a minute, please, Your Honor. May I speak a minute with my lawyer, Mr. Thompson?"

Thompson: "I do not know what he has to say."

Thayer: "I think I should pronounce the sentence . . . Bartolomeo Vanzetti, suffer the punishment of death . . ."

Sacco (interrupting): "You know I am innocent. Those are the same words I pronounced seven years ago. You condemn two innocent men."

Thayer: "... by the passage of a current of electricity through your body within the week beginning on Sunday, the tenth day of July, in the year of our Lord, One Thousand Nine Hundred and Twenty-seven. This is the sentence of the law."



N. Guilac, in the Brussels
Le Drapeau Rouge

CHAPTER XIX

BABBITT ENTHRONED IN THE STATE HOUSE

Two Public Opinions

THE fixing of a date for the execution gave new impetus and cohesion to the international protest. Appeals, petitions, and some threats began to pour in an ever heavier stream into the offices of the governor of Massachusetts, the President of the United States, every American embassy and consulate in the world. Labor organizations in Europe, Latin America, Asia, and Africa passed resolutions demanding a new deal for Sacco and Vanzetti. Groups of lawyers and professional men, writers and political leaders warned against a consummation of the sentence.

As a reaction, the feelings against Sacco and Vanzetti also acquired a direction and intensity never before equaled. The antagonism until then implicit in the situation now erupted as a militant demand for a speedy execution. Until then the ordinary processes of justice were sufficient to meet the situation. The natural conservatism of the courts, the press, the general setting, were sufficient guarantees for the tory Daughters of the Revolution, employers of foreign labor, and cultural Brahmins. But now these elements became impatient.

William Allen White, editor of the *Emporia Gazette*, wrote to Governor Fuller early in June:

"I have just returned from New England where I have been talking to college groups and I was surprised beyond words to find the bitterness and hate which have sprung up in New England, particularly in Massachusetts, among those who fear that Sacco and Vanzetti will not be executed.

"I know now why witches were persecuted and hanged by upright and godly people. . . ."

An indignant Brockton woman, Mrs. J. E. Damon, attached a small American flag to a letter in which she said to the governor:

"I feel very sure that you will stand firm for 'law and order.' . . . Foreign people will not respect our Government unless we uphold our Judges and Supreme Court. What is this country coming to if radical elements are allowed to do as they see fit?"

Rev. Floyd W. Johnston of the First Presbyterian Church of Central City, Nebraska, asked the governor to "let these propagandists of un-American policies know that there is not enough money in Russia to buy even one district court in America." A patriotic gentleman in Philadelphia, Charles H. Barrett, asked for the execution of Sacco and Vanzetti as "radicals, traitors and would-be destroyers of liberty," urging that they "pay the penalty for their crimes and may God have mercy on their souls." American Legion posts passed resolutions urging the governor to be stern in upholding the courts.

In mass dimensions the demonstrations in favor of Sacco and Vanzetti undoubtedly exceeded those against them. But the pressure for an execution was stronger. It came from sources closer to those in power, it had the support of a great majority of the press—and it found less resistance. The statement that Massachusetts in killing Sacco and Vanzetti defied public opinion is naïve. There were two public opinions, only one of which was defied.

Governor Fuller Takes Control

The center of the case now shifted to the State House in Boston, where a florid, "self-made" millionaire presided. With Governor Alvan Tufts Fuller rested the final power to free the men, to commute their sentences to life imprisonment—or to permit their execution. And he accepted the full weight of the burden with shoulders theatrically squared. He girded his loins publicly for a Herculean task of investigation and judgment. The world was about to witness a piece of political

gesturing perhaps unsurpassed in American history—certainly unsurpassed in the size of the audience. The whole world looked on while all the resources of American advertising and Barnum ballyhoo were exploited at the State House in Boston.

Fuller fills the high gubernatorial office to overflowing. A poor, small-town Yankee who amassed one of the largest fortunes in New England; from bicycle repair shop to one of the leading stockholders in the Packard Motor Company. A pillar in an open-shop basic industry. A back-slapping salesman and politician who learned to balance a tea-cup. A Baptist, a Republican, a Mason; a member of every Chamber of Commerce and patriotic society extant—a man who never shirks his “duties as a citizen.” According to a special writer in the New York *Herald-Tribune*, “A very conservative estimate of his wealth is \$20,000,000. Business men in Boston believe \$40,000,000 would be more accurate. This would make him one of the richest men in Massachusetts.” As to his culture, any boy in the streets of Malden will tell you that he paid \$200,000—or was it \$300,000—for an Old Master the last time he was in Europe. Already at that time inhospitable communists in Paris disturbed these cultural pursuits by presenting him with a petition for Sacco and Vanzetti.

Governor Fuller assumed the responsibility of the Sacco-Vanzetti decision with an ostentatiously “open mind.” In the seven years that the international case centered in his State, filled his favorite newspapers and the talk of his favorite clubs, Fuller miraculously escaped the contagion of an opinion on it one way or the other. He boasted that he did not know the difference between an anarchist and a socialist, and that he knew absolutely nothing about the facts in the Sacco-Vanzetti affair.

The feat of keeping his head above the tide of hatred for the two Italian radicals which inundated high places in Massachusetts is the more remarkable in the light of his recorded opinions on Reds. Before he became Governor he was a Con-

gressman for eight years. He spoke on the floor of Congress only three or four times during this period. Once, in 1918, he introduced a bill regarding the pay of sergeant-majors. Two years later he put through a bill donating a German cannon to his home town, Malden. But if his fellow-legislators in Washington did not hear from him his constituents did; for he entered frequent and lengthy "extensions of remarks" in the Congressional Record.

One of these extensions recounts his post-war experiences in devastated France: fifteen closely printed pages of Hun-hating, French-worshipping and patriotic hysterics. The article abounds in references to "the Red scum of Europe," and to "the wolves of anarchy."

A later extension of remarks was on the expulsion of the socialist Congressman from Milwaukee, Victor Berger.

"Berger," he wrote, "characterized the action of the House as a crucifixion, and in a manner of speaking it is. It is the crucifixion of the disloyal, the nailing of sedition to the cross of free government, where the whole brood of anarchists, Bolsheviks, I.W.W.'s and revolutionaries may see and read a solemn warning. It is the same sort of crucifixion which sent Debs and Big Bill Haywood behind the bars, which suppressed Berkman and Emma Goldman and which has brought the hand of the law down upon a host of Reds."

The hand of the law just then was personified in A. Mitchell Palmer and William J. Flynn at the head of an infamous spy system. Sacco and Vanzetti were in that sinister host of Reds.

The optimists had their heyday in the weeks after the case was transferred to the State Capitol. The lower court of Judge Thayer and the highest tribunal were bound by precedents and technicalities; there is no humanity in their deliberations. But Fuller was a business executive, a high-powered salesman, a genial fellow. He would cut through the red tape of legalism and get to the heart of the matter. So the story ran. His Red-baiting speeches were forgotten

and his anti-union activities in the shoe and textile and automobile centers were forgotten. It was pleasanter to recall that he had several times matched his money against the political machine, thus establishing himself as an "independent," that he used correct grammar and was a gentleman. Even Vanzetti, always too ready to forgive, was impressed by the earnestness and industry of Governor Fuller. But Sacco, a realist by instinct, insisted from the beginning that the industry and earnestness were stage props.

The governor spoke grandiloquently about the solemnity of his function in the case. The burden was his and his alone. At first he rejected in anger the suggestions for a citizens' investigation committee. But on June 1 he yielded to the extent of appointing an "advisory commission," consisting of President A. Lawrence Lowell of Harvard University, President Samuel W. Stratton of the Massachusetts Institute of Technology, and a 75-year-old ex-judge of the probate courts, Robert Grant. The commission, he announced, would look ✓ into the case independently and advise him, although he did not bind himself to abide by its findings.

The optimists had their way. Nothing must be done to offend His Excellency. The gods must be propitiated. He might be implored and prayed to make the investigation public; but if he chose to conduct it secretly, no reproaches should be made. He might be urged to appoint advisers less removed from the people whom they were to judge; but if he chose to pick upon two dead stars from the transcendental heaven of culture, no word of criticism must be made. Even the appointment of Judge Grant, who had repeatedly expressed himself against Sacco and Vanzetti, must be swallowed. The chief thing was to keep His Excellency in a good mood.

Not until several weeks later, when the governor's methods became unendurable, did even the defense committee break through the restraints of optimism to protest against a star-chamber procedure.

Thayer's Prejudices on Record

The Sacco-Vanzetti case was officially put into the governor's hands by a formal petition for freedom by Vanzetti, who spoke also in behalf of Sacco. It was unlike any petitions ever received by governors. It dealt briefly with the evidence, since that was all on record, and devoted itself chiefly to an exposition of the convicted men's ideas. It is the only petition for executive clemency in which the "precedents" and "authorities" cited are men like Jefferson, Thomas Paine, Ralph Waldo Emerson, Shelley, Proudhon, Kropotkin and Tolstoi.

"On principle," Vanzetti declared, "we abhor violence, deeming it the worst form of coercion and authority. We are with Garibaldi: *'Only the slaves have the right to violence to free themselves; only the violence that frees is legitimate and holy.'* We lived, in this country twelve years before our arrest, and industriously, honestly, and without any act of violence. The only violence that has been committed is the violence practiced against us and not by us."

In connection with the petition, the defense submitted a series of startling affidavits referring to Thayer's hatred against the men and their friends. The prejudice which was generally known, which protruded through his legal decisions, was now bodied forth in specific instances. Six affidavits and a letter, all of them from people whose word could not be ignored by the press and the community, raised the veil of legal ritual around Thayer to reveal a vindictive, swearing, hate-impelled old man.

George U. Crocker, a member of the University Club in Boston where Thayer lived during the trial, stated that the judge had repeatedly cornered him and proceeded to vent his feelings against defense counsel. He read parts of his charge to the jury to Crocker, with remarks like, "I think that will hold him, don't you?" referring to the defense attorney.

The affidavit of Mrs. Lois B. Rantoul, who attended the trial in behalf of the Greater Boston Federation of Churches, shows the judge as buttonholing outsiders to convince them how guilty the defendants were. She told of two conversations in which Thayer by word and gesture tried to make her believe that the men were guilty.

Robert Benchley, one of the editors of *Life*, told how he had learned indirectly of Thayer's bias. In 1921 he was visiting his friends Mr. and Mrs. Loring Coes in Worcester. Coes belonged to the same club as Thayer. They played golf together. Coes told Benchley some of the things Thayer was saying. The judge spoke of the men as "Those bastards down there," as Bolsheviki, who were "trying to intimidate him." "He would get them good and proper," Thayer boasted. Thayer told Coes and the other men that a "bunch of parlor radicals were trying to get these guys off and trying to bring pressure to bear on the bench" and that he "would show them and would get these guys hanged." What is more, he "would also like to hang a few dozen of the radicals." Worcester would be proud of having such a defender as Judge Thayer, he declared.

Three newspaper reporters who covered the trial or subsequent hearings, testified further to Thayer's hatred for the defendants. They presented a picture of a man whose mind was utterly distorted by prejudice. Frank P. Sibley reported the whole trial for the *Boston Globe*. He is one of the veteran newspapermen in Massachusetts, generally regarded and respected as their "dean." In his affidavit for the governor's information Sibley tells how Thayer constantly sought out the reporters to discuss the case and give them his opinions. Shortly after the trial Sibley embodied some of Thayer's remarks in a letter to the Attorney-General, but received no reply. "I'll show them that no long-haired anarchist from California can run this court," Thayer had said of Moore, according to Sibley. On several occasions he said, "Just wait

until they hear my charge." Sibley also cited an incident in which the judge attempted to "correct" a statement in the newspapers despite the fact that the statement jibed with the court record.

Another reporter, Elizabeth R. Bernkopf, covered certain court hearings in 1923 and 1924 for the International News Service. Thayer often sat near her on the train from Dedham to Boston and persistently talked about Sacco, Vanzetti, and their attorneys. She testified that his manner and language revealed him as bitterly prejudiced. He boasted that the attorneys would not accomplish anything in the higher courts.

John Nicholas Beffel, who had covered the trial for the Federated Press, gave in an affidavit a graphic account of one of the conversations with reporters mentioned by Sibley. This talk took place before any evidence had been introduced. Yet Thayer, after displaying hostility toward Moore, said, "Wait till I give my charge to the jury. I'll show 'em." Beffel's statement recounts other instances indicating the judge's bias.

An unsolicited letter by Professor L. P. Richardson of Dartmouth College to Governor Fuller put high lights in this picture. Professor Richardson asserted that he knew through numerous conversations with Thayer that the judge viewed Sacco and Vanzetti "with abhorrence."

A Governor in Search of Truth

Governor Fuller's investigation was an extraordinary combination of secrecy and publicity. Scores of newspaper reporters watched the door of his office. They saw it open and close upon a long stream of old and new witnesses, jurors, prosecutors, experts. But they were given no inkling of what transpired behind the door. They followed him around to sudden and dramatic visits to the prisoners, the crime scene; but could only surmise what he saw or heard in these visits.

Week after week the world watched an exciting but empty pantomime. It saw a high-minded governor rushing furiously hither and thither in search of truth; Diogenes in golf-togs and equipped with a flashlight peeping into every cranny while cameras clicked and reporters made notes. The world watched a governor staggering under responsibility, leaving his own sick-bed and the sick-bed of his son to search the memories of witnesses, to consult with legal giants, to reconstruct, to weigh, to delve.

The optimists gave up worrying. Liberal editors were "gratified" by the thoroughness of the investigation. Even certain socialist and labor editors praised in advance a decision made with such painstaking industry.

Only those close to the case began to doubt the value of this pantomime. Despite the protests of the defense, the inquiry was a star-chamber proceeding. Witnesses were heard in secret. The defendants' lawyers were excluded. Witnesses for the prisoners, emerging from the governor's office, revealed that Fuller had stormed at them, threatened and argued—and sent many of them out crushed and humiliated. The enthroned salesman gloried in the rôle of prosecutor.

The defense committee sent a letter complaining against the treatment of defense witnesses, against the inclusion of new witnesses without giving the defendants a chance to refute, and against the whole spirit of secrecy and bullying. On July 16 Sacco and Vanzetti began a hunger strike demanding that the investigation be conducted publicly. Nevertheless, sweet optimism was not to be downed.

Meanwhile, with the date set for execution, July 10, approaching, the advisory commission had not yet met. It did not begin its labors until June 30. The hope that its inquiry would be public, to offset the governor's methods, failed. The advisers met at irregular intervals, summoned witnesses, interviewed jurors. Appointed partly in response to a widespread demand for a "human" non-legalistic inquiry

into the facts, this commission constituted itself a star-chamber and aped the proceedings of the courts.

From the persons summoned it became increasingly evident that the commission was merely rehearsing the hodge-podge of contradictions and perjuries already on record—instead of attempting to penetrate the character and viewpoints of Sacco and Vanzetti; instead of checking up on the common-sense likelihood of such men turning brigands for a day.

On the last day in June the execution was postponed to the week of August 10. The governor and his three advisors went through four weeks more of furious pecksniffian inquiry behind closed doors. The commission's last session took place on July 25. The governor continued the calling of witnesses until August 2, the day before he announced his decision.

Notwithstanding Sacco's hunger strike against the governor's methods, and complaints that he was "bulldozing" and insulting defense witnesses, admiration for his industry persisted, as though industry were in itself a virtue. The liberal weekly, *The Nation*, had the misfortune of going to press just before the decision was made. Its editorial commending the governor for being painstaking and thorough appeared in print on the same day as a decision which was neither thorough nor painstaking was made public. The editorial expressed "high hopes that he will see justice done."

The same confidence suffused the rest of the press sympathetic to the condemned radicals. The ballyhoo stunt had succeeded. He had been proven a just and upright man, whatever he might do to Sacco and Vanzetti.

CHAPTER XX

THE END OF A PANTOMIME

Fuller Makes His Decision

THE end of the elaborate pantomime of a governor in search of truth was a rambling disjointed twenty-five hundred word decision attesting to the governor's complete ignorance of the issues involved in the case. The document stands as its own evidence that its author either failed to read or deliberately ignored the fundamental testimony. Fuller declared that the original trial had been fairly conducted. He denied that any evidence warranting a new trial had been presented. He agreed with judge, jury and prosecutor that Sacco and Vanzetti were guilty and must die. The advisory commission, he announced, came to the same conclusion unanimously.

Sacco had been transferred to the Charlestown prison at midnight on July 1. On August 1—two days before the governor announced his decision—both Sacco and Vanzetti were placed in the "death house," in cells a few steps from the electric chair.

Fuller had indicated that his decision would be made on August 3. The day was therefore one of taut nerves and strained expectation. Newspapermen representing, directly or indirectly, the entire world gathered at the State House; and throngs waited before newspaper bulletin boards in all the big cities of the world. The governor arrived at about 8:30 in the evening.

"Quite a delegation," he said genially to the press representatives, as he entered his office.

In about half an hour he emerged. He read a statement: He was sorry he could not oblige the press with an interview.

. . . He was very tired . . . he trusted the report would speak for itself. . . . His Excellency was playing his rôle in the pantomime to the last moment.

The report was not given to the press until 11:30. Although the investigation had lasted for months, the decision was apparently hastily composed at the last moment. The world waited while it was being typewritten. Haste was apparent in the structure of the report: offhand, ill-chosen words; weak, unsupported assertions; impatient judgments. Fuller the automobile magnate surely would not have allowed an advertisement of a Packard car to go out to the world in as weak and unconvincing a form as this statement by Fuller the governor, condemning Sacco and Vanzetti to death.

The weakness of the decision as indicating hasty last-minute writing gains point in connection with a mysterious aspect of the case which may be followed in the *New York Times*. A dispatch from Boston, written on August 2, stated unequivocally:

"Nicola Sacco and Bartolomeo Vanzetti will not die in the electric chair on the date set. Neither will they be pardoned. Further reprieve pending steps by the Massachusetts Legislature looking to a new trial was indicated at the State House to-day. . . ."

The surprise of the reporters who had watched the governor closely was attested in the following days. The *Times* said on August 5, in a dispatch dated August 4:

"The decision announced late last night stirred certain important men in Boston to private discussion of the case. These men, it may be stated on excellent authority, were taken into the Governor's confidence. They are declaring emphatically tonight that the Governor gave them every indication that he would pardon Sacco and Vanzetti or extend clemency to them. One of these men is a former high State officer. Nobody, however, wishes to talk for publication.

"The apparent last-minute finding of Governor Fuller came as a shock to those who thought they were aware of his inten-

tions. They put the change in the Governor's decision as apparently made between 3 P. M. Tuesday and that midnight. The Governor to-day denied himself to newspapermen."

If the *Times* is to be believed, therefore, something happened in the last nine hours of August 2 which cost Sacco and Vanzetti their lives. The careful chronology set down by the *Times* correspondent is a direct hint to readers to consider what had occurred during those hours. It was a hint which he obviously could not enlarge upon. Nothing happened in those hours directly affecting the Sacco-Vanzetti case. But something did happen which might affect the political fortunes of Governor Fuller.

In that interval President Coolidge, at his summer White House in South Dakota, issued the announcement: "I do not choose to run for President in 1928." The *Times* correspondent plainly suggests that this might have changed Fuller's mind. We do not choose to accept this suggestion unless future developments support it. But the execution of Sacco and Vanzetti was a gesture for "law and order" far more startling than the suppression of the police strike in Boston in 1919 which put Coolidge in the Presidential chair.

"Proceedings Without Legal Flaw"

Fuller begins with a statement of the South Braintree crime and his own entry into the case. He tells how, seeking men of "intelligence, open-mindedness, intellectual honesty and good judgment," he had selected the three who made up his advisory commission. The public, he avers, "owes these gentlemen its gratitude for their high-minded, unselfish service on this disagreeable and extremely important problem." His purpose was to answer three questions, he says: "Was the jury trial fair? Were the accused entitled to a new trial? Are they guilty or not guilty?" He continues:

"As to the first question, complaint has been made that the defendants were prosecuted and convicted because they were

anarchists. As a matter of fact, the issue of anarchy was brought in by them as an explanation of their suspicious conduct. Their counsel, against the advice of Judge Thayer, decided to attribute their actions and conduct to the fact that they were anarchists, suggesting that they were armed to protect themselves, that they were about to start out at 10 o'clock at night to collect radical literature and that the reason they lied was to save their friends.

"I have consulted with every member of the jury now alive, eleven in number. They considered the Judge fair; that he gave them no indication of his own opinion of the case.

"Affidavits have been presented claiming that the Judge was prejudiced. I see no evidence of prejudice in his conduct of the trial. That he had an opinion as to the guilt or innocence of the accused after hearing the evidence is natural and inevitable.

"The allegation has been made that conditions in the court room were prejudicial to the accused. After careful inquiry of the jury and others, I find no evidence to support this allegation. I find the jurors were thoroughly honest men and that they were reluctant to find these men guilty, but were forced to do so by the evidence.

"I can see no warrant for the assertion that the jury trial was unfair.

"The charge of the Judge was satisfactory to the counsel for the accused, and no exceptions were taken to it. The Supreme Judicial Court for the Commonwealth has considered such of the more than 250 exceptions taken during the course of the trial as counsel for the accused chose to argue and overruled them all, thus establishing that the proceedings were without legal flaw.

"I have read the record and examined many witnesses and the jurymen to see from a layman's standpoint whether the trial was fairly conducted. I am convinced that it was."

Fuller then considers the new evidence on which a new trial was asked. He dismisses it without any specific comment, except about Madeiros:

"I give no weight to the Madeiros confession. It is popularly supposed he confessed to committing this crime. In his testimony to me, he could not recall the details or describe the neighborhood. He furthermore stated that the Government had

double-crossed him and he proposes to double-cross the Government. He feels that the District Attorney's office has treated him unfairly because his two confederates who were associated with him in the commission of the murder for which he was convicted were given life sentences, whereas he was sentenced to death. He confessed the crime for which he was convicted. I am not impressed with his claim to knowledge of the South Braintree murders."

Then Fuller comes to the question of guilt. Referring to the conviction at Plymouth on the Bridgewater hold-up charge, he cites Vanzetti's failure to take the witness stand as the only "unusual" feature of the case. "Practically every one who witnessed the attempted hold-up, and who could have identified the bandits," he claims, "identified Vanzetti."

Fuller prefaces his brief reference to the murder trial with a description of the brutality of the South Braintree crime. He devotes more space to this than to the identification witnesses, as though any one denied that it was brutal and revolting. Then, remarking that the men were armed, he continues:

"Upon being questioned by the police both men told what they afterward admitted was a tissue of lies. Sacco claimed to have been working at Kelley's shoe factory on April 15, the date of the South Braintree crime. Upon investigation, it was proven that he was not at work on that day.

"He then claimed to have been at the Italian Consulate in Boston on that date, but the only confirmation of this claim is the memory of a former employee of the consulate who made a deposition in Italy that Sacco among forty others was in the office that day. This employee had no memorandum to assist his memory.

"As the result of my study of the record and my personal investigation of the case, including my interviews with a large number of witnesses, I believe, with the jury, that Sacco and Vanzetti were guilty and that the trial was fair."

In conclusion the governor declares himself "proud to be associated in this public service with clear-eyed witnesses, unafraid to tell the truth, and with jurors who discharged their

obligations in accordance with their convictions and their oaths." The clear-eyed witnesses presumably include Mrs. Andrews, Pelzer, Goodridge and the high-school prodigy who saw a bandit "run like a foreigner."

The statement is packed with half-truths and whole falsehoods, evasions and slurs. The governor explained nothing, clarified nothing. It was, as the Sacco-Vanzetti Defense Committee charged, "an insult to the intelligence of mankind."

The blanket exoneration of the prosecutor and the judge is incredibly childish. Thayer is excused because his prejudice does not appear on the trial record. He must be considered impartial because he called the defendants "bastards" outside the court-room in speaking to reporters and clubmates but refrained from expressions of hatred in the presence of the court stenographer. The testimony of reputable persons had made it clear enough that Thayer's prejudice was not developed "after hearing evidence," as stated by Fuller, but before a single line of testimony had been taken. The sworn, unrefuted affidavits disclosing that the District Attorney had "framed" testimony with Captain Proctor is overlooked; so is the deliberate incitement to hostility against the defendants by the prosecution in the questioning about loyalty to the United States.

Sacco had said that he was at work before he had been given an opportunity to figure out the date of the Thursday three weeks before. Governor Fuller himself would be unable to state quickly what he did on a certain day weeks back until he had consulted his memory on the matter. He would answer that he was in his office, just as Sacco said he was at his machine. And the memory of the consular clerk was not "the only confirmation" of Sacco's alibi. It was supported by the testimony of many other witnesses who had never been impeached. Fuller brushed them aside with a wave of the hand. A wave of the hand saved him the trouble of an explanation.

The confession of Madeiros and the affidavits supporting it were likewise disposed of with a gesture. Yet the confession stands, complete and consistent—infinately stronger than all of the evidence against Sacco and Vanzetti.

Perhaps the most mendacious portion of the Governor's statement is the reference to Vanzetti's first conviction. The governor gives the impression that Vanzetti had a criminal record. The same impression as created by others who wanted the two men executed. The trick had worked before. The fact is that this "record" was built up against him *after* his arrest, through a trial more farcical than the one in Dedham. The governor knew quite well that Vanzetti was prevented from testifying by an attorney who later became a law associate of Katzmann.

The defense did attempt to obtain alterations in Thayer's charge to the jury. It protested against a patriotic passage in the document. Thayer thereupon offered to call in the jurors and ask them to disregard that passage. Since it would involve rereading the passage to them, the defense dropped the matter.

To touch upon all the evasions and spiteful ambiguities in the document one must again summarize the trial testimony and the subsequent disclosures.

"Governor Fuller Is a Murderer"

Sacco and Vanzetti learned of the governor's decision on the morning of August 4th, six days before the time set for their death. Sacco was then in the nineteenth day of his hunger strike. They sent out the following messages to their comrades:

"Governor Alvan T. Fuller is a murderer as Thayer, Katzmann, the State perjurers and all the others. He shakes hands with me like a brother, makes me believe he was honest-intentioned and that his killing of the three car-barn boys was not so as to have no precedent to save us.

"Now, ignoring and denying all the proofs of our innocence, he insults us and murders us. We are innocent.

"This is the way of plutocracy against liberty, against the people. We die for anarchy. Long life to anarchy!

"BARTOLOMEO VANZETTI."

"MY DEAR FRIENDS AND COMRADES:

"In the death cell we are just informed from the defense committee that Governor Fuller has decided to kill us August 10th. We are not surprised by this news because we know that the capitalist class is hard, without any mercy, to the good soldiers of the revolution. We are proud of death and fall as all the anarchists fall. It is up to you now, brothers, comrades, as I have told you yesterday, that you are the only ones that can save us, because we have never had faith in the governor. For we have always known that Governor Fuller, Thayer, and Katzmann are the murderers.

"With warm fraternal regards to all,

"NICOLA SACCO."



The Protest to Governor Fuller, as seen by the Buenos Aires
Bandera Proletaria

CHAPTER XXI

HANGMEN IN FROCK COATS

The Report of the Advisory Commission

ROBERT GRANT was for thirty years judge of the Probate Court and Court of Insolvency of Suffolk County in Massachusetts. The legal questions brought to him in those thirty years were necessarily lean and juiceless. His first really important judicial work did not come to him until five years after his retirement. At the overripe age of seventy-five he was appointed by Governor Fuller to advise him on the innocence or guilt of two Italian radicals.

Although Lowell was chairman of the commission, Grant's name is the first signed to the report. On the warrant of his title of judge, and because at his age he has ample time on his hands, it is a safe guess that Grant wrote the report to which Lowell and President Stratton of the Massachusetts Institute of Technology added their signatures.

It is of interest, therefore, to observe at close range the mentality of this man. In 1912 Robert Grant published a book under the title, *The Confessions of a Grandfather*. The book reeks with dislike of foreigners, and particularly of Italians. Grant speaks through the medium of one of the characters, a "grandfather." While in Italy grandfather had his pockets picked and lost his trunks. On pages 267 and 268 he is informed by "some one of authority and experience" that he "was the only American traveler who had ever recovered a dollar from the Italian government." Grandfather then makes a comment of his own: "The Italian political authorities seem to regard adroit thieving from foreigners . . . as an in-

dustry which should be winked at because it serves to bring contentment to certain elements of the population which would otherwise be without means of support."

Seventy-five is scarcely an age that such racial prejudices are easily laid aside. It was with an advance conviction that all Italians regard "adroit thieving" as laudable that Judge Grant undertook the inquiry into the innocence or guilt of two Italians. Fuller asked a former President of the Boston Chamber of Commerce, Howard Coonley, to serve, but Coonley refused. He also tried to get Jeremiah Smith, financial advisor to the Horthy government, to sit with Lowell and Stratton.

As to Lowell and Stratton, a treatise on psychology would be necessary to delineate the processes of their minds. Professor Frankfurter's analysis of the trial, as well as comments by Dean Roscoe Pound and other members of the Harvard Law faculty, had incensed many of those who subsidize the school. Several of them are said to have withdrawn the subsidies after Frankfurter's book was published—and to have restored them when the advisory report bearing Lowell's signature appeared. Yet there is no warrant for saying that such facts consciously affected Lowell. In a time of intense public feeling, these men had simply remained true to type, conscientiously and in a spirit of high social service. Institutions like Harvard are maintained by and for the dominant classes. Sacco had insisted on this when he was being cross-examined and his words rankled in the memory of New England.

The liberals expected from men of Lowell's standing in the educational world some insight into the forces at work in this disputed case, something more than a rehash of exploded evidence. There was no reason why the advisory group should feel obliged to investigate every detail of evidence, or confine itself to narrow and legalistic limits. There was every reason why it should break those limits, attempt to estimate the psychological factors involved, and seek out the reasons why the trial was so charged with deep-reaching emotions.

Middle-class optimists expected that Lowell would break the legalistic abstraction which had been made of the case, and breathe into it the breath of life and understanding. To these persons the shock was most severe. Certain graduates of Harvard were most intimately hurt by the report. They expected a human version: they received the old fabric of legal phrases and disputed evidence, only less craftsmanlike, containing more loopholes than those prepared by Thayer and the prosecutor, whose business it is to write such things. And what is worse, they saw this fabric given a fictitious value because it bore eminent names. They felt that the Lowell commission—which should really be called the Grant commission—had allowed itself to become the respectable veneer of a vicious affair.

Thus Heywood Broun, an ardent Harvard patriot, was deeply chagrined. Probably his outraged respect for Harvard had as much to do with his reaction to the Lowell report as sympathy for Sacco and Vanzetti. He wrote three articles for the column which he conducted in the *New York World* denouncing the Fuller and Lowell decisions. Only two were published. The *World* thought he was saying too much, or at any rate, saying it too vigorously, and stopped him short.

"Governor Alvan T. Fuller," he wrote in part, "never had any intention in all his investigations but to put a new and higher polish upon the proceedings. The justice of the business was not his concern. He hoped to make it respectable. He called old men from high places to stand behind his chair so that he might seem to speak with all the authority of a high priest or a Pilate.

"What more can these immigrants from Italy expect? It is not every prisoner who has a President of Harvard University throw on the switch for him. And Robert Grant is not only a former Judge, but one of the most popular dinner guests in Boston. If this is a lynching, at least the fish peddler and his friend the factory hand may take unction to their souls that they will die at the hands of men in dinner coats or academic gowns, according to the conventionalities required by the hour of execution. . . ."

John Dos Passos, young novelist, also expressed the deep resentment with which those who have faith in the fundamental decency of men who wear large titles and academic gowns received the report. In a letter to Lowell, Dos Passos wrote in part:

"As a graduate of Harvard University . . . I feel that you have put your name and indirectly the name of the university you represent to an infamous document. This is no time for mincing words. You have made yourself a party to a judicial murder that will call down on its perpetrators the execration of the civilized world. What it means is that you are allowing a Massachusetts politician to use the name of Harvard to cover his own bias and to whitewash all the dirty business of the arrest of these men at the time of the anarchist raids and their subsequent slow torture by the spiteful and soulless mechanism of the law. . . .

"The report in its entirety is an apology for the conduct of the trial rather than an impartial investigation. Reading it the suspicion grows paragraph by paragraph that its aim was not to review but to make respectable the proceedings of Judge Thayer and the District Attorney's office. Not in a single phrase is there an inkling of a sense on your part or on that of your colleagues of the importance of the social and racial backgrounds of the trial."

Whitewashing a Dirty Business

A few excerpts will indicate the cavalier fashion in which testimony was dismissed or interpreted against Sacco and Vanzetti. The desire to justify the seven years' legal procedure runs through the entire document. At the very beginning there is an effort to justify the manner in which District Attorney Katzmann stirred the jury's prejudices by drawing the defendants into a passionate exposition of their views on war and private property. The report says:

"At that time of abnormal fear and credulity on the subject, little evidence was required to prove that any one was a dangerous radical. Harmless professors and students in our colleges were accused of dangerous opinions, and it was almost

inevitable that any one who declared himself a radical, possessed of inflammatory literature, would be instantly believed. For these reasons Mr. Katzmänn was justified in subjecting Mr. Sacco to a rigorous cross-examination to determine whether his profession that he and his friends were radicals liable to deportation was true, or was merely assumed for the purpose of the defense. The exceptions taken to his questions were not sustained by the Supreme Court."

The commission argues in effect that Katzmänn's purpose was to establish the sincerity of the men's radicalism. But on July 14, Katzmänn himself had informed Messrs. Lowell, Grant, and Stratton that "it was a fact perfectly well known that these men were radicals. From the newspapers I knew that very well." So did the jury. Moreover, Katzmänn, by his own admission, was in intimate touch with the Department of Justice which had placed spies near Sacco and in the defense organization. He knew that the prisoners were members of the Galleani group. The cross-examination in which the prosecutor—with the judge assisting at many points—engaged, had an obvious purpose: to place the men's views in the worst possible light before the jury.

The report exonerates Thayer as follows:

"Prejudice means an opinion or sentiment before the trial. That a Judge should form an opinion as the evidence comes in is inevitable and not prejudicial if not in any way brought to the notice of the jury, as we are convinced was true in this case. . . . From all that has come to us we are forced to conclude that the Judge was indiscreet in conversation with outsiders during the trial. He ought not to have talked about the case off the bench, and doing so was a grave breach of decorum."

This mild reproof gives no indication of the enormity of the judge's prejudice. The assumption that Thayer developed his antagonism as the trial proceeded is contrary to facts laid before the commission. Thayer's prejudice was amply evidenced even at the first trial of Vanzetti the year before the Dedham trial. Some of the bitter comments credited to him

were made before a single line of evidence had been entered. He began to invoke the memory of the soldier boys in France while the jury was being picked. The commission naïvely asserts that a judge may be hostile outside the court-room without revealing the hostility inside. That hostility showed itself in Thayer's every gesture and intonation. It showed itself in the squabbles at the bench which did not go into the official record, and in impatient rejections of many exceptions taken by defense counsel.

Naïveté is carried a few steps further when the report asserts that the jurors, six years after the trial, still believe that they gave a fair and honest verdict. The logic of citing men's opinions of their own honesty as proof that they are honest is the more extraordinary over the signatures of college presidents! The jurors' belief in their own virtues will no doubt grow with every year, as a natural self-defense against criticism. One might as reasonably cite Grant's and Lowell's conviction that they made an impartial inquiry as proof that they were impartial.

The report dismisses as "trifling" the testimony of former Chief of Police Gallivan of Braintree that he made the hole in the lining of the cap allegedly found on the murder scene. The matter is certainly trifling in itself. Yet that hole was used in the trial in an effort to connect the cap with Sacco; it was supposed to have been made by the nail on which Sacco was accustomed to hang his cap. Thayer in denying a motion for a new trial in October, 1926, referred to the hole as "some of the most important evidence." And if the commission discounts such testimony, why does it further on bring in the cap as one of the important factors against Sacco? Also, the report makes the flat statement that the cap fitted Sacco. If it had referred to the files of the local press it might have learned that the cap did not fit. The *Boston Post* even published a cartoon ridiculing the prosecutor's attempts to make a cap go on a head too large for it.

The report stresses the allegation that Vanzetti's pistol had once belonged to Berardelli. To have done this it must have assumed that a desperate bandit had carried on his person the strongest proofs of guilt for weeks after committing a murder! It must have forgotten momentarily the testimony of Lincoln Wadsworth, given to the commission on July 20. Wadsworth, of the Iver-Johnson Company, said:

"Well, there are thousands of times more chances that it was not than that it was. It is a very common and very cheap brand of revolver and there are thousands and thousands of them in existence to-day. There are thousands of that same identical revolver. You put them together and the only way you can distinguish them is by their serial number."

The report dismisses Sacco's alibi by simply stating that "in view of all the evidence they do not believe he was there (in Boston) that day." It is known, however, that President Lowell made an attempt to "catch" and "expose" the alibi witnesses. Not only was the attempt unsuccessful—but Lowell felt it necessary to apologize to the alibi witnesses. Two Italians of excellent standing, Albert Bosco, editor of *La Notizia*, and Professor Felice Guadagni, a writer and lecturer, claimed to have lunched with Sacco in Boston. They fixed the day by the fact that a banquet had been given that day to a Mr. Williams of the Boston *Transcript*. Lowell thought they were lying and attacked them fiercely; he could find no proofs that such a banquet had taken place. Next day Bosco and Guadagni brought the Italian papers of April 15, 1920—and there in cold print was the story of the banquet! President Lowell thereupon apologized, asked them not to publish the episode—then disregarded their testimony just the same.

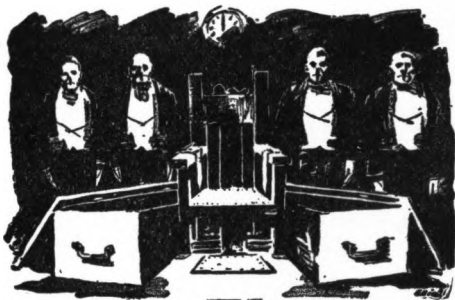
The incident is indicative of the spirit of the report. The loose use of the words "socialist," "communist" and "anarchist" is another indication; college presidents entrusted with human lives have no excuse for indifference towards the distinctions in such words.

The Lowell commission went out of its way to assert that the South Braintree crime did not "seem to bear the marks of professionals, but of men inexpert in such crimes," an assertion that is contrary to the published opinions of state and federal police. For college presidents thus to set themselves up as experts on crime is at least unusual.

In dealing with a witness whom the prosecution itself considered worthless, the commission states:

"The woman is eccentric, not unimpeachable in conduct; but the committee believes that in this case her testimony is well worth considering."

"In this case" every shred of testimony against the men seems to have been "well worth considering." Judge Grant and two college presidents considered them all—including the whores and horse thieves and mental defectives. But the witnesses for defense, including simple honest Italians who dined with Sacco or bought fish from Vanzetti, were dismissed without the decency of an explanation.



Fred Ellis, in the *New York Daily Worker*

CHAPTER XXII

SEVEN DAYS THAT SHOOK THE WORLD

An Unsurpassed International Protest

A HURRICANE of protest swept through the world after the decision of Governor Fuller to electrocute Sacco and Vanzetti was flashed to every corner of the earth. Resentment and dismay broke in furious floods. Workers poured into the streets of the world, demonstrating and pleading and threatening.

Such an international demonstration would have been utterly impossible a generation ago. Cables, radio, improved news-gathering facilities, the development of the press, made the events in Boston known to the rest of the globe almost instantaneously. Every meeting, every demonstration was intimately aware of similar meetings and demonstrations elsewhere. The protest thus attained a force and direction never before equaled. The workers did not feel isolated; they threw themselves into the fight conscious of the fellowship of millions of others of every color and nationality.

The protest for Sacco and Vanzetti in the seven days between August 3 and August 10 has never been surpassed—except in the twelve days which were to follow August 10. There are no words to compass its immensity. We can merely list at random meetings, parades, resolutions, strikes, in widely separated parts of the world, and multiply them a hundredfold to get some notion of the movement.

In the names of Sacco and Vanzetti, tens of thousands of workers in London gathered in Hyde Park and Trafalgar Square, day after day, singing the "Red Flag," and denouncing American capital. They set up a gruesome replica of the

Massachusetts electric chair. Throngs watched a mock electrocution with a uniformed war veteran as victim. Infuriated crowds marched upon the American Embassy in Grosvenor Square. Thirty thousand Parisian workers came into the streets to follow a meek peasant woman, Vanzetti's sister Luigia, in a parade. There were demonstrations before the American consulates in Munich and Cherbourg, in far-off Morocco, in which police charged the demonstrators. Delegations bearing resolutions called upon American official representatives in Bucharest, Vienna, Berlin, Stockholm, Lisbon, Madrid, Ottawa; in Tokio and Cape Town. General strikes were called in cities of Argentina, Uruguay, Mexico. Strikes occurred in a score of cities in the United States. Throughout the vast territory of the Soviet Union hundreds of meetings took place. The national legislatures of Argentina and of Uruguay sent petitions to America.

Several hundred thousand men and women laid down their tools in New York to gather in a series of indoor meetings called by the socialists and a huge outdoor meeting on Union Square, arranged by the Sacco-Vanzetti Emergency Defense Committee, a united-front committee of communists, anarchists, I.W.W.'s, left-wing trade-unionists. Perhaps 25,000 gathered on the square under the heaviest police guard in the city's history, and at least 25,000 more filled the surrounding streets unable to get into the square. Chicago demonstrations were scattered by police tear-bombs and riot guns. Ten thousand silk workers struck in Paterson, New Jersey, and sporadic strikes of miners took place in Colorado and Pennsylvania. Men and women concentrated in Boston, paraded before the State House, were beaten and arrested—and paraded once more.

Besides these mass demonstrations there came from all over the world messages pleading or demanding that the electrocution be stopped; from labor leaders, government officials, literary men, famous journalists, scientists and philosophers.

In the Dreyfus case the intellectual minority, under Zola, led the world protest, and mass demonstrations followed. In the Sacco-Vanzetti case, on the contrary, the workers' mass movement came first and remained first; the classless or bourgeois intelligentsia followed belatedly. The voices of George Bernard Shaw, H. G. Wells, Romain Rolland, John Galsworthy, Albert Einstein, Sinclair Lewis, of religious leaders and humanitarians, were raised in behalf of the two condemned Italian workers. But they were lost in the roar of working-class protest.

The primary impetus in the international mass expression came from the "Red Aid International," a communist organization. All groups and tendencies participated—even the conservative President of the American Federation of Labor made a perfunctory gesture. But the active, pushing, indignant energy came from the "Rote Hilfe" in Germany, the "International Class War Prisoners' Aid Committee" in England, the International Labor Defense in the United States and other branches of the "International Red Aid."

Whatever remained of revolutionary energy in the rest of the labor movement, in the Social-Democratic parties and Labor parties, was evoked by the great emotional stress of the Massachusetts case. Moderate individuals and parties associated themselves with elements far to the left, some of them for the first time in their history. But on the whole this sentiment was restrained. From these sources came warnings to the workers not to exceed the limits of constitutional procedure in their justified ardor; their resolutions were politely worded and forced upon the attention of the world through legitimate official channels.

The middle-class conscience was completely and pitifully bewildered. It is at bottom a religious, optimistic conscience which could not adjust itself readily to the naked brutality of the spectacle in Massachusetts. And it rests on the assumption that things as they are, are for the best—if only they can

be amended here and there. The mass demonstrations of workers were motivated by a conviction that Sacco and Vanzetti were victims of class justice—a conviction which struck at the judicial institutions as a whole. But middle-class protests assumed that there was something abnormal about the situation, that nearly perfect institutions were in danger of erring, and must be saved.

Thus a passionate plea made by the American Civil Liberties Union on August 8 ended weakly thus: "Once more we urge that there is still time to save the honor of our country." The Women's Peace Union interceded because it believed that "the State has no right to take human life." The Woman's Trade Union League asked for a stay of sentence because an execution "will admit of no redress and prevent forever vindication of justice in the Commonwealth of Massachusetts."

President William Green and other officials of the American Federation of Labor were more emphatic in decrying the activities of the radicals than in demanding a new trial for Sacco and Vanzetti. Green appealed for commutation of sentence, in a letter to the governor, "upon the broad ground of humanity and social expediency." Many local unions in the United States refused to intercede even on such a broad ground; and several actually sent messages to the governor commending his "courage."

The Tories Strike Back

At the same time there was a crystallization of the sentiment against the two men. The conservative American press was almost unanimous in its support of the governor and his commission. There was scarcely a dissenting note in the pæan of praise that went up for the governor's "courage." The liberal newspapers joined in this praise. But a few of them pointed out that this courage had expressed itself in weak, unconvincing documents; they therefore begged for a commutation of sentence to life imprisonment in order that the

injustice might not be "irretrievable." The Boston *Herald* forgot the editorial which won the Pulitzer prize and endorsed the governor.

The New York *World* collapsed on the morning after Governor Fuller announced his decision. It prostrated itself editorially before the gubernatorial chair. In a tiny voice it prayed for a commutation. Its famous columnist, Broun, unaware of this collapse, indited two stirring attacks against the elaborate respectability of the governor and his academic henchmen. Then he was warned to "lay off" Sacco and Vanzetti, but rather than lay off he resigned. Later, encouraged by a slightly more daring attitude on the part of the Springfield *Republican*, the *World* put more heart in its appeal for commutation. Nevertheless, in the panic, it had sacrificed forever its reputation for liberalism, so far as the intelligent minority of readers is concerned.

In the camp of the reactionaries there was a blustering jubilation. Alvin Owsley, former national commander of the American Legion, wired to Fuller: "I am glad your trying ordeal is over. The country supports you . . ." Major-General Clarence R. Edwards sent the message: "Your report is splendid. You performed as great a public service to state and nation as has any governor in any crisis, and with a courage that will delight the veterans of this state that you are their governor. Kindly accept my congratulations." John Hays Hammond commended him for his "masterful disposition of the Sacco-Vanzetti case in which you have shown great moral and physical courage." Bishop William Lawrence of the aristocratic Episcopal Church paid a tribute to His Excellency's blow against the Reds. Congratulations came also in hundreds of editorials, telegrams, letters and resolutions. Delegations from American Legion posts conveyed their thanks.

The workers of the world had made the case a symbol of their strivings. The property-owning elements in self-protect-

tion made it a symbol of their property. One of the most enlightening documents was an appeal by the "League for the Protection of Property Rights," a reactionary propaganda organization in New York. It was addressed to "the massed millions of law-abiding men and women citizens of this country," including the insurance policy holders, savings bank depositors and owners of homes, and denounced "strikes," "mass meetings," and "dastardly bombings." It called for "the instant deportation of all aliens who are found to be instigators of radical movements designed to undermine and destroy constitutional government in the United States."

To millions of workers in the American industrial centers Sacco and Vanzetti were primarily immigrants. The demonstrations in New York, Chicago, Cleveland, in the mining centers, were chiefly immigrant demonstrations. The threat of deportation which always hangs over these millions was accordingly revived in unequivocal language. Secretary of Labor Davis promptly threatened to push his scheme for the registration of all aliens. Albert Johnson, Chairman of the Immigration and Naturalization Committee in the House of Representatives, let loose a familiar blast against foreign agitators. He referred to Sacco and Vanzetti as "bandits and murderers," denounced their friends in America and abroad and called for larger and more intensive deportation facilities. The *Washington Post* and papers of its stripe supported these threats; even the *Baltimore Sun* asserted editorially that "another Red hunt seems inevitable. In fact it is necessary to some extent." Intimidation is a weapon always ready against the alien.

A basic ingredient of the reaction to the demonstration was patriotic resentment against "foreign interference," climaxed by the provincial indignation of Massachusetts property owners against interference from other American states. Senator Borah expressed this chauvinism in a message to the well-known social worker, Jane Addams. She had asked him as

Chairman of the Senate Foreign Relations Committee "to point out the very serious consequences to our international relations of the execution of Sacco and Vanzetti." Borah replied:

"It would be a national humiliation, a shameless cowardly compromise of national courage, to pay the slightest attention to foreign protests or mob protests at home. We all know your fine devotion to humanity, but neither humanity nor peace can be served by deferring to foreign criticism or mob violence in the execution of our criminal laws. The foreign interference is an impudent and willful challenge to our sense of decency and dignity and ought to be dealt with accordingly."

The Feeling Against America Abroad

The United States in the last thirty years has in fact abandoned its traditional isolation. It has reached out territorially, commercially, financially, in an imperialism which touches every corner of the earth. But emotionally it is still to a large extent isolationist, and by the same token supersensitive to foreign criticism.

The sentiment which Borah expressed was an answer not merely to the agitation for Sacco and Vanzetti abroad. It was directed also against Latin America's charges of "dollar diplomacy" by the "colossus of the north" and against anti-American hatreds generated in Europe and Asia and Africa by American financial penetration. To Latin Americans the Sacco and Vanzetti case was another expression of "Yankee imperialism." To Europeans it was another phase of American plutocracy and "Shylockism."

General anti-American feeling goes far to explain the sympathy for Sacco and Vanzetti expressed by all middle-class elements abroad. There is even reason for suspecting that some Foreign Offices did not discourage Sacco-Vanzetti agitations as whole-heartedly as they might have done. The world outside of the United States was almost unanimous in condemning the scheduled execution. In a dispatch from Paris

on August 6 the *New York Times* correspondent summarized the sentiment thus:

"There is a growing feeling here that the international standing of the United States would be well served by a concerted effort of the authorities to avoid the execution of Nicola Sacco and Bartolomeo Vanzetti. The extraordinary outburst of European opinion in this matter has raised the question whether, even if they are guilty, it might be better not to execute them.

"By actual measure, twelve leading Paris newspapers to-day devote four times as much space to Sacco-Vanzetti as to the break up of the Geneva Naval Conference.

"It is striking to see the French press all the way from the Royalist *L'Action Française* on the Right, to the Communist *L'Humanité* on the Left, plead for clemency for the two convicted men. The Left editors plead a miscarriage of justice, while the Right papers advise the United States to find some method not to take a step which will be condemned by millions. *L'Ouvre* asserts that the execution of Sacco and Vanzetti will overcome all the good Lindbergh accomplished for Franco-American relations."

The newspapers in South America displayed the case so prominently and with such hostility to the United States that American businessmen begged the American news agencies to suppress the facts. These agencies, of course, sent only factual reports of events in Boston and demonstrations in other cities.

And the State Department felt it necessary to issue propaganda to the newspapers in the guise of a summary of the facts in the case. Its version of the testimony was as distorted as the one it issued in 1922; the day-to-day news from the United States was the most effective answer to this summary.

In Italy there was a curiously muffled excitement. Feeling for Sacco and Vanzetti ran high, but the Facist régime could not afford to make national heroes of two radicals. While the news columns were filled with reports of the case, the editorial columns were restrained. In excerpts which were cabled abroad one sensed a suppressed anger. These were Italians,



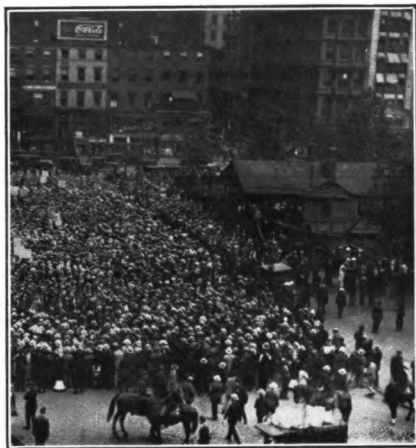
Demonstration in Bois de Vincennes,
near Paris



Demonstration in Moscow



Demonstration in Trafalgar Square, London
Tom Mann speaking



Demonstration in Union Square,
New York

condemned by a community which regarded Italians as congenitally inclined to "adroit thieving." There were indications that the government of Mussolini had made quiet suggestions and requests. Answering a telegram from Sacco's father, Mussolini informed him, "For a long time past I have been assiduously occupying myself with the situation of Sacco and Vanzetti. I have done everything compatible with international law to save them from execution."

In Spain the Fascist government suppressed all news of the case and demonstrations. A socialist paper was suspended for publishing an article on it.

The State Department in Washington was deluged with reports from its representatives throughout the world, many of them presumably pointing out the danger of an execution. The fact that the government ignored this pressure is proof of the enormous counter-pressure by the owning classes in America.

"Law and Order" Shows Its Teeth

These stormy days witnessed the greatest display of military and police force in the United States since the war. Government in all its branches felt itself challenged. How much of the display was due to real fear, and how much of it was merely a demonstration of power cannot be accurately estimated. Certainly the actual extent and temper of the protest in America did not justify the enormous police mobilization.

Government buildings, prisons, railroads, banks, court-houses, and the residences of prominent persons—including those in any way connected with the prosecution of Sacco and Vanzetti—were heavily guarded. Outstanding radicals were under surveillance, some of them were arrested. In many cities public meetings were prohibited. Boston refused to permit a peaceful meeting on its historic Commons.

The New York police gave limited permission for outdoor

gatherings, but did not allow parades. Several spontaneous parades in working class sections of New York were broken up by the police with bloodshed; and the outdoor meetings were surrounded by police shoulder-to-shoulder, with mounted policemen and machine-guns nearby, and armed men on rooftops.

On August 5th several explosions occurred simultaneously. Two subway stations were bombed in New York, with loss of one life and considerable property damage. The home of the Mayor of Baltimore was bombed, and a church in Philadelphia was damaged by dynamite. The press and police attributed this violence to "Sacco-Vanzetti sympathizers," although there was not a shred of direct proof of such a charge. The use made of the outrages—in solidifying the sentiment for execution and frightening equivocal newspapers into supporting Massachusetts justice—constitutes circumstantial evidence that it was the work of provocateurs. Thereafter a number of cities were "alarmed" by mysterious packages suspected of containing time bombs, by detonations that sounded like explosions. Explosions wrecked two buildings in Utica, N. Y. The press and police immediately called them Sacco-Vanzetti "retaliations." Next day it appeared that the landlords arranged the wreck to collect insurance. An "explosion" in the Italian section of Boston turned out to be a bursted bootleg still. A touch of hysteria was added by such incidents to the surcharged atmosphere. Vacations and leaves of absence for police in various cities were canceled. The maximum peace-time force of organized government was on public display.

A Race Through the Courts

Armed force, violent threats against aliens and radicals, and world-wide clamor—such was the background of a frenzied race through the courts. Motions and appeals which normally would take months or years to adjudicate were de-

cided in a few hours. The legal process, until then so slow that it seemed immobile, suddenly assumed a dizzy pace. The only quiet spot in official Boston was the death-house, where preparations for the electrocutions were being made with subdued workmanlike precision.

Attorney William G. Thompson announced his retirement from the case on August 4th. In a parting statement he arraigned the governor and the advisory commission for the conduct of their inquiries as star-chamber proceedings. He hinted definitely at improprieties in the governor's treatment of defense witnesses. Altogether the statement conveyed a sense of heart-break and dismay; a man who had spent his life in the comfortable groove of unquestioning faith in the *status quo* had been roughly jerked out of it.

Arthur D. Hill assumed charge of the dizzy race through a dozen courts, with a young Italian lawyer from Pittsburgh, Michael A. Musmanno, at his side. The legal fight now took on all the trimmings of a melodrama. There were wild rides through the night to distant vacation places in search of judges, shrill telegrams and appeals, sudden trips to Washington—a hair-raising race against time and the executioner.

It was a hopeless race and every one knew it. But running is one way to forget brutal truths, so anguished millions ran with the attorneys. Legal appeals were made one after another without the slightest hope of success. The mechanism of the law had lost every trace of human pliability. It was as rigid as death.

Judge George A. Sanderson of the state Supreme Court denied petitions for a writ of habeas corpus, a stay of execution of sentence, and a writ of error. He was then petitioned for the right to appeal against his denials to the full bench of his court.

At the same time a motion for a new trial, based on a new eye-witness of the crime and on the affidavits revealing the trial judge's prejudice, was filed in the lower court. Judge

Thayer came quickly from his country home to hear this motion. That session in the Dedham court deserves to be painted by some future artist of the working class. It had in it the grimmest tragedy and humor. A sallow-faced old man wrapped in a black gown and speaking in a thin voice was deciding on the merits of a charge that he himself had been prejudiced!

And there were none of the usual legal reticences this time; the hour of death was too close. Hill frankly demanded that the judge retire from the case, that he remove his hold upon his victims and permit another judge to hear the motion. But Thayer would not yield. He had been there in the beginning and must be there in the end. He assured the press that he was not prejudiced. . . . Sentence having been imposed, he ruled, no further new evidence could be heard. The attorneys thereupon requested him to set aside the sentence in order to overcome this technicality. He took the question under advisement to give the impression that he was pondering. Next morning he denied the request. An appeal was promptly filed to the Supreme Court, and as promptly overruled.

Meanwhile the Sacco-Vanzetti Defense Committee sent out a steady stream of appeals: to Coolidge, to Secretary of State Kellogg, to Attorney General Sargent, even to the young aviator Lindbergh, who had been supplanted on the front pages by the Sacco-Vanzetti case. Coolidge was urged to follow the precedent set by President Wilson in interceding with the Governor of California for Mooney and Billings.

With the strain and excitement at its height, the day of August 10 arrived. At three minutes after midnight on that date Sacco and Vanzetti were scheduled to die.

CHAPTER XXIII

A CAT-AND-MOUSE GAME IN THE DEATH-HOUSE

August Tenth: the Blow About to Descend

SELF-RIGHTEOUSNESS hath no greater triumph to record than this: On the morning of August 10, the day when Sacco and Vanzetti were to die, Judge Webster Thayer played golf at his country home.

For several days groups of men and women had picketed the State House in Boston, wearing black arm-bands mourning the death of justice in Massachusetts. They had been arrested over and over again. But on August 10 more of them were in front of the State House than ever before. A communist and a socialist led the pickets. Behind them came a miscellaneous group of radicals, liberals, anarchists; workers and artists, rich and poor. As quickly as they appeared police pounced on them and dragged them to the police stations. No sooner had they been released than they were back on the picket line. This was the "death watch," silent and persistent.

Armed guards walked to and fro on the prison walls. Police with machine-guns and bayonets filled the surrounding streets. This guard was steadily enlarged as the day advanced and no word of reprieve came from the governor.

Fuller had announced that he would decide on the petition for a reprieve that day. In accordance with the legal requirement the governor's Council was summoned to be ready to ratify a postponement of execution if granted. The Council's meeting had been announced for noon. A throng of reporters waited anxiously for the decision which was expected soon thereafter.

But hour after hour passed without word. Rumors spread

through the city and through the world: that the governor would not interfere with the execution, that he would grant a reprieve, that he was consulting seven former State Attorneys-General. Rumors, but no decision, hour after hour while all humankind waited. There was something demoniac about the delay.

The frozen horror of that blow about to descend! Night-time was coming on and still no word from the governor. The Council, it appeared, had not yet met at all, and already the sun was down. Fearful of the worst, the defense lawyers rushed to Justice Oliver Wendell Holmes of the United States Supreme Court, a man reputed to be a liberal and independent, at least in contrast with the hidebound tories in the highest court. Holmes refused to interfere. He said that the prejudice of a state judge, even if true, was not sufficient warrant for federal intervention.

The frozen horror of that blow about to descend! Legal witnesses to the scheduled execution were notified to be ready. The condemned men were visited by a priest, who offered consolations which they rejected. The executioner inspected the electric chair and found it in good working order. At ten o'clock, two hours before the scheduled time of death, Rosina Sacco was officially instructed to be ready to accept her husband's lifeless body.

Then there was a ray of hope—either hope or the ghastly levity of the legal mechanism. Judge Sanderson announced that he would give his decision as to the appeal to the full bench of his court "to-morrow." Would there be a to-morrow for Sacco and Vanzetti?

The governor's decision was made at 11:24 P. M.—36 minutes before the hour set for the killings. "To afford the courts an opportunity to complete the consideration of the proceedings now pending" he gave Sacco and Vanzetti twelve more days of life. They would not be executed until after August 22. The life of Madeiros, who had been kept alive

as a possible witness in the event of a new trial, was likewise extended twelve days.

A reprieve—after the eleventh hour.

The World Protest Continues to Grow

The feeling of relief occasioned by the reprieve quickly gave way again to fear and despair. The horror of the uncertainty until half an hour before execution time was accepted as evidence that the governor had given this stay with the utmost reluctance. The hope that he could be forced to stop the executioner once more was slight.

Again the protest movement gained momentum. The armed guards around American embassies, consulates and business houses all over the world were increased. The embassy in Paris was surrounded by mounted police, soldiers in trench helmets. The same thing was true in London, Berlin, Rome; in Mexico, Buenos Aires, Santiago; wherever the American flag was exposed as a reminder of the killings about to take place in Massachusetts.

Demonstrations occurred throughout Germany, called by radical elements but supported by practically the whole population. General strikes took place in Argentina, Uruguay and Paraguay. The seamen's union and others called a general strike in Sydney. Belgium and Switzerland and Ecuador were loud with the clamor of anti-American protests. England was deeply stirred; outdoor parades and meetings were supplemented by appeals to America from the miners' union, the Labor Party, the Trades Union Congress. Labor of all shades in Ireland demanded that the lives of Sacco and Vanzetti be spared. Bombs attributed to anti-American feeling exploded near the American legation in Sofia, in a Ford automobile agency in Argentina, in Cordoba, Argentina, in other places.

The Soviet Union echoed with meetings and resolutions throughout its length and breadth. Boycotts against Amer-

ican products were urged in a dozen cities in Latin America and in places as far apart as Stockholm and Tokio. Labor unions in China representing millions of members sent messages of solidarity to the two doomed men in the death-house in Charlestown. Never in all history have so many human beings joined together across a single week for a single purpose.

The press abroad gave the news from Boston first place throughout this period. The fall of governments and the dissolution of international conferences seemed negligible by comparison. Foreign editors warned the United States to avoid a step that would deepen distrust and hatred of America.

In America the show of official force was everywhere intensified. The suppression of public meetings proceeded with ever smaller regard for the niceties of constitutional procedure. Police chiefs acted on the theory that an "emergency" of revolutionary proportions existed. Threats against aliens multiplied. The feeble objections of the champions of civil liberties were swamped in the reports of suppressions.

Entire pages in the news sections were devoted to every phase of the case. The conservative press, although bitter and vindictive in its editorials, gave ample space to recording the day-to-day drama of the legal fight and the protest movement. The news stories from Boston in these days betray that the correspondents, too, were horrified by the cold-blooded preparations for an execution of men whose guilt was doubted by millions.

Sporadic strikes and mass demonstrations took place in many American cities, especially in those where great numbers of immigrant workers lived. The foreign-language press was practically unanimous in asking for a stay of execution. In several cities where strikes were called by Left union groups under communist influence, socialist and other Right elements refused to participate. But in every instance they substituted some form of independent protest. Demonstrations, accom-

panied by police violence and intimidation, continued until the last moment.

In Boston, the "death watch" gathered again. In the final protest, the dismay of intellectuals, professional people, college professors, social workers—the people normally too polite and too comfortable to question the will of the powers that be—was immense. Individually and in groups these people came forward to knock on the minds of the governor and the judges. For seven years, those of them who were aware of the case at all had been content to let justice take its course. They had had faith in the due processes of the law. Now they stood dazed by the collapse of their illusions.

A National Citizens' Committee for Sacco and Vanzetti, hurriedly organized by radicals and liberals congregated in Boston, found support in unexpected quarters. Scores of prominent writers, editors, churchmen, community workers signed this committee's appeals to Coolidge and other officials. Prof. John Lovejoy Elliott, Paul U. Kellogg, editor of *The Survey*, and Waldo Cook, editor of the *Springfield Republican*, carried to the State House a plea for commutation of sentence signed by several hundred noted college professors, social workers, artists, and business men. Full-page editorials and open letters were addressed to Fuller, to the Lowell commission, to the Department of Justice, begging and demanding action to prevent the martyrdom of the Italians. *The New Republic* published in the *New York Times* a full-page open letter to President Lowell of Harvard.

These elements of moderation and respectability who always consider themselves the arbiters of public policies, the intelligent holders of the balance of power, now found themselves balked, ignored, insulted. For the first time in their lives they had to admit their complete failure, their monumental impotence. They had intruded in a war of classes in which polite intermediaries get short shrift while the bombardment is under way.

The governor was swamped with messages. They were brought from telegraph offices and the Post Office in basketfuls. He did not read them; there were too many to be read, and they carried a monotonous appeal. . . . Those who wished to see Sacco and Vanzetti dead had no need to plead. They merely drew closely about their bodies coats of indifference and legalism against the hurricane of protest. The governor knew they were near him. He leaned back on their strength and smiled. The silence of President Coolidge was a sign of support. The editorial comment of Massachusetts newspapers was no more eloquent than the silence of bishops and cardinals and college presidents in the state. The few of them who spoke at all, spoke against the Italians. The clamor from intellectuals and liberals came largely from outside of Massachusetts.

On August 16 an explosion wrecked the home of a juror in the Sacco-Vanzetti case, one Lewis MacHardy. The bomb was considerably placed where it would do least damage, and the whole incident bore the earmarks of a provocateur's act. It coincided with a session of the State Supreme Court to hear an appeal in the case. Nevertheless the press and officials instantly blamed the explosion upon "Sacco-Vanzetti sympathizers." Governor Fuller sent a letter to MacHardy which served as another index of his implacable desire to have the two Italians electrocuted and done with. He wrote in part:

"Every right-thinking person must be astounded to realize that it was possible in our community for a citizen who has served as a juror and who has done his duty as he saw it to be penalized apparently for that reason alone by having his home blown up and the lives of himself and his loved ones put in danger.

"It would be well for those who through ignorance or malice or sentimentality contribute to such dire results to be held jointly responsible. It is a painful admission I have to make, but one that is apparent—that here and active in our community are elements which would threaten and coerce Government and court officials."

State and Federal Judges Play the Game

The race through courts continued breathlessly. Several lawyers, among them Francis Fisher Kane, Arthur Garfield Hays and Frank P. Walsh, threw themselves into the contest by the side of Hill and Musmanno.

On the day after the reprieve exceptions to the several denials by Judge Sanderson were carried with his permission to the full bench of the Supreme Court of Massachusetts. The same day Judge Thayer generously allowed exceptions to his action of the previous week to be taken to the same high court. On August 15 these exceptions were argued before four of the Supreme Court judges, who listened solemnly and took three days to write their denials.

Petitions for a stay of execution were denied by several state courts. Attorney Musmanno hurried to Washington, where he filed a plea for a writ of certiorari in the United States Supreme Court. On the basis of this filing, Justice Holmes was again asked to stay execution—and again refused. The request was carried to every other available federal Supreme Court judge. Chief Justice Taft, vacationing in Canada, telegraphed a flat refusal to interfere. A melodramatic ride by automobile and speed-boat to an isolated island in Maine where Justice Harlan F. Stone was spending the hot summer months resulted in only another refusal.

The last hope was Justice Louis D. Brandeis. This man had been bitterly fought by the same elements who were now intent upon the execution of Sacco and Vanzetti. As a Jew and as a reputed liberal his appointment by President Wilson had aroused the ire of all good Tories. The opposition was especially bitter in Massachusetts. Racially and politically he was an outsider to the Thayers and Fullers and Lowells. Other possibilities were rightly exhausted by the defense before approaching him, where hope was strongest.

And Brandeis failed them. At a critical juncture he re-

mained true to class type. Now that he wore the judicial robes of the highest court he would do nothing to offend the people who had execrated him. The explanation he gave to the world was that he could not act "because of his personal relations to some of the people who have been interested in the case." He had in mind his own wife and daughter and persons like Elizabeth Glendower Evans with whom he was socially friendly. This liberal Daniel refused to save two human beings from an unjust death, because forsooth he was too sympathetic with them; because he feared that he might tip the scales of justice too far on the side of mercy. . . .

Simultaneously other lawyers had been exerting themselves to gain access to the secret files of the Department of Justice. They claimed that evidence of Sacco's and Vanzetti's innocence might be revealed in those files; that at the least a conspiracy to "railroad" the two radicals might be uncovered. Attorney-General Sargent, head of the Department of Justice, refused to do anything. But several days later one of his subordinates agreed to open the files if requested by Governor Fuller or his advisory committee. Fuller ignored this offer. President Lowell was in hiding; President Stratton was in hiding. Neither of them made a move to open those files.

When August 22, the day set for the execution, arrived all legal recourse had been exhausted, except that a request for a review of the entire case by the United States Supreme Court was on the docket in Washington. Sacco and Vanzetti had had the benefit of all the legal formalities, more so than ordinary men condemned to die in the electric chair. If their execution was a lynching, at least the proceedings were absolutely legal and decorous. The manners of the lynchers were worthy of the best traditions of Massachusetts gentility.

Their execution was not a miscarriage of justice. It was a deliberate, indeed a formal, carrying out of justice such as it is in the society of to-day.

CHAPTER XXIV

VOICES FROM THE DEATH-HOUSE

Writing Letters as Death Approaches

THE cells in the death-house are brightly lit day and night. A little green door leads into the room where the electric chair waits, and it must not be cheated of its prey by a suicide or an escape. Here Sacco and Vanzetti waited in adjoining cells on August 10 for the short walk to the chair and the opening of the electric switch. They could not see one another but they could talk.

Both of them were writing letters to their friends and their families. Sacco was so weakened by twenty-five days of fasting that he could hardly stand up. He had said farewell to his wife and his son Dante and sent a message of cheer to his comrades. Vanzetti suffered doubly in the knowledge that his sister Luigia was on the Atlantic, and would arrive too late to see him in life.

Hour after hour they waited for word of their fate, as did the rest of the world. And they were scarcely more disturbed by the delay than their friends outside, indeed calmer than many outside. Seven years is a long time in which to become accustomed to the thought of death. Even the torture by hope loses its fine edge after a few years. When no news arrived by evening, they stopped hoping.

Half an hour before their time expired they were informed that they would be permitted to live twelve days longer. The warden who brought the news was more excited than the men who received it. According to the warden Sacco remained inert on his cot. Vanzetti came to the cell door. He gripped the bars and leaned forward.

"I'm glad of that," he said. "I'd like to see my sister before I die."

Next morning they were transferred to ordinary prison cells. Eight days later, on August 19, they were again brought to the brilliantly lighted death-house. Sacco saw his Rosina again, once, sometimes twice daily for twelve days. And Vanzetti saw his sister. Luigia had been a young girl when he parted from her nineteen years before, now she was a middle-aged woman. The warden stretched prison rules to permit the two to embrace without cold steel bars between them. This was on the 20th. Three days of life, then she was to receive her brother's dead body.

While the hour of death approaches for these immigrants from Torremaggiore and Villa Falletto, for these labor agitators from the industrial centers of Massachusetts, let us read a few of their letters. The shadow of the executioner over their shoulder gives these letters a resonance that will carry them to men's minds generation after generation.

Faith in the World's Workers

After the stirring day on which a shriveled judge arriving to impose sentence was himself judged and sentenced by Vanzetti, the two prisoners wrote to their comrades outside:

"You are in our minds and heart—all of you, the known and the unknown by us—the silent and the speaking. We will carry your memory into our graves.

"But let us speak to you also of life. Comrades and friends, be of good cheer and brave heart. Do not yield or stop for a second to sorrow or defeat. The enemy can imprison, torture, kill some or many of us, destroy our homes, our poor few books and our institutions, but the enemy cannot destroy ideas, rights, truths, or causes."

This cheer, however, had nothing in common with the blind optimism of those outside who went hopefully from judge to judge from governor to college president. Both Sacco and Vanzetti knew the feel of the trap which had closed upon

them—in their flesh its iron teeth, on their minds and bodies its cold weight. Momentarily they yielded to mirages of hope—especially Vanzetti, who was more imaginative in his reactions. But they placed dependence not on the ritual of the court rooms, but on the pressure of mass protest outside. Thus Vanzetti, writing to his friend Leonard Abbott in New York, on March 24, 1927, says:

"I am told that in Europe and in South America the agitation is general and intense. It also seems as if our American friends or friends in America, are intentioned to exit from the world of mere words and pragmatism to enter some practical action. And it is time indeed; if half of what has been done in each of many other nations would have been done here, we would be freely working for the release of other prisoners and the victory of liberty. . . .

"In such contingencies words are not the echo of the action's first motion, thought—but symptoms of want of will. Then words are but empty voices to cloak a consciousness of nothingness—and worse, of course, to an aim or an object than silence, mighty eloquent silence. . . ."

And Sacco, writing to H. S. Van Valkenburgh, in June, a month before the date set for the execution:

"As I wrote you before I repeat again to-day, only an international clamor—a protest—can free us. And yet, while we are so near the tomb, your letter amazes me with its unwarranted optimism, saying 'You must not despair, dear Nicola, for though the suffering be long and weary, it is soon to end in freedom.'

"How you are deluded! This is not even common sense, coming from you. I would say nothing if such talk came from a man in the moon, but from you, who are also in the struggle for liberty, this is too much. Do you not know the ends to which the defenders of this decrepit old society will go? Under the circumstances it pains me to see such blind optimism in a comrade. Are you waiting to see them kill us first so that you can build us a monument?

" . . . You must not forget that the enemy does not fight fair, that it will stoop to any infamy and it already has. It isn't safe to be optimistic with such scoundrels to deal with. I only hope for a demonstration that will frighten them and prevent such a

crime as they have done to us ever again being committed upon some one else. That is all. I am not writing this out of prison irritation nor yet because of their cruelty in bringing us back to this stifling place to torture us some more before they burn us, but I want the comrades to know what kind of creatures they are dealing with. . . ."

In a joint letter written on June 11 to Celia Polisuk, who had organized a Student Sacco-Vanzetti Defense Committee, they again warn against futile optimism.

"Let us say that the significance of your letter is a mighty good thing for men in our conditions. In fact, nothing could be better; for it assures us that even if we will be executed, you others, braver than us, will keep on the struggle of '*Liberta ché si cara come sa chi per lei vita diede.*'"

"But please don't be too optimistic. The forces of darkness and tyranny are exceedingly malicious, steadfast and implacable.

"Your task is hard, our friends. Count on yourselves, as we count only on our friends and comrades in the forces of freedom. To you and to them we will owe chiefly, if not absolutely, our freedom and our life, if the forces of liberty are going to win this 'scaramuch.' And if not, keep up a brave heart, friends, only universal death can prevent the victories of freedom and its final triumph."

Letters to Sacco's Son

At no time in their long ordeal did either Sacco or Vanzetti arrogate to himself the voice of a prophet, though their words had prophetic eloquence. There is no trace of the oracular or pontifical in their writing. They remained humble men, conscious of their symbolic prominence in the minds of their fellow-men; conscious even of their rôle in history; but at no time exaggerating their personalities. There is in them no harping on eternal values or on martyrdom. Often they write to their friends to thank them for an amusing magazine article or a package of apples or a bunch of flowers or a word of remembrance from distant places.

Two of the most impressive letters that came from their

prison were addressed to Dante, Sacco's fourteen-year-old son. Both were written within a few yards of the death chair. On August 18, Sacco wrote in part:

"MY DEAR SON AND COMPANION:

"Since the day I saw you last I had always the idea to write you this letter, but the length of my hunger strike and thought I might not be able to explain myself, made me put it off all this time.

" . . . I never thought that our inseparable life could be separated, but thought of seven dolorous years makes it seem it did come. But then it has not changed really the unrest and the heartbeat of affection that has remained as it was.

" . . . Much we have suffered during this long Calvary. We protest to-day as we protested yesterday. We protest always for our freedom. If I stopped my hunger strike the other day, it was because there was no more sign of life in me. Because I protested with my hunger strike yesterday, as to-day I protest for life and not for death.

"I sacrificed because I wanted to come back to the embrace of your dear little sister Inez and your mother and all the beloved friends and comrades of life, not death. So, son, to-day life begins to revive slow and calm, but yet without horizon and always with sadness and visions of death.

" . . . But remember always, Dante, in the play of happiness, don't you use all for yourself only, but down yourself just one step at your side and help the weak ones that cry for help; help the persecuted and the victim, because they are your better friends; they are the comrades that fight and fall as your father and Barto (Vanzetti) fought and fell yesterday for the conquest of the joy of freedom for all the poor workers. In this struggle of life you will find more love and you will be loved.

" . . . Much I thought of you while I was lying in the death house—the singing, the kind, tender voices of the children from the playground, where there was all the life and the joy of liberty—just one step from the wall which contained the buried agony of three buried souls. It would remind me so often of you and your sister Inez. And I wish I could see you every moment. But I feel better that you did not come to the death house so that you could not see the horrible picture of three lying in agony waiting to be electrocuted, because I do not know what effect it would have on your young age.

"But then, in another way, if you were not so sensitive, it would be very useful to you to-morrow, when you could use this horrible memory to hold up to the world the shame of the century in this cruel persecution and unjust death.

"Yes, Dante, they can crucify our bodies to-day as they are doing, but they cannot destroy our ideas that will remain for the youth of the future to come.

" . . . Dante, I say once more to love and be nearest to your mother and the loved ones in these sad days, and I am sure that with your brave and kind goodness they will feel less discomfort. And you will also not forget to love me a little, for I do— Oh, son, thinking so much and so often of you.

"Best fraternal greetings to all the beloved ones, love-kiss to little Inez and mother. Most hearty affectionate embrace.

"YOUR FATHER AND COMPANION."

Vanzetti, writing on August 21, one day before he was to be executed, said:

"MY DEAR DANTE:

"I still hope, and we will fight until the last moment, to vindicate our right to live and to be free, but all the forces of the State and of money and reaction are deadly against us because we are libertarians or anarchists. I write little of this because you are now and yet too young to understand these things and other things of which I would like to reason with you.

"But if you do well, you will grow and understand your father's and my case and your father's and my principles for which we will soon be put to death.

"I tell you now that all that I know of your father, he is not a criminal, but one of the bravest men I ever knew. Some day you will be able to understand what I am about to tell you; that your father has sacrificed everything dear and sacred to the human heart and soul for his faith in liberty and justice for all.

"That day you will be proud of your father, and if you come brave enough you will take his place in the struggle between tyranny and liberty and you will vindicate our names and our blood.

"If we have to die now you shall know when you will be able to understand this tragedy in its fullest how good and brave your mother has been with you, your father and I during these eight years of struggle, sorrow, passion, anguish and agony.

" . . . Remember, Dante, each one who will say otherwise of your father and I is a liar, insulting innocent dead men who have been brave in their life. Remember and know also, Dante, that if your father and I would have been cowards and hypocrites and rinnegators of our faith, we would not have been put to death. They would not even have convicted a leperous dog; not even executed a deadly poisoned scorpion on such evidence as that they framed against us. They would have given a new trial to a matricide and habitual felon on the evidence we presented for a new trial.

"Remember, Dante, remember always these things: we are not criminals; they convicted us on a frame-up; they denied us a new trial; and if we will be executed after seven years, four months and seventeen days of unspeakable tortures and wrongs, it is for what I have already told you—because we were for the poor and against the exploitation and oppression of the man by the man.

"The documents of our case, which you and other ones will collect and preserve, will prove to you that your father, your mother, Inez, my family and I have been sacrificed by and to a State reason of the American plutocratic reaction.

"The day will come when you will understand the sense of the above written words, in all its fullness. Then you will honor us.

"Now, Dante, be brave and good always. I embrace you.

"Yours,

"BARTOLOMEO VANZETTI."

Messages to Their Comrades Everywhere

Over both their signatures they sent the following parting message to the Sacco-Vanzetti Defense Committee:

"We feel lost, therefore we decided to write this letter to you to express our gratitude and admiration for all what you have done in our defense during these seven years, four months, and eleven days of struggle.

"That we lost and have to die, does not diminish our appreciation and gratitude for your great solidarity with us and our families.

"Friends and comrades, now that the tragedy of this trial is at an end, be all as of one heart. Only two of us will die. Our ideal, you our comrades, will live by millions; we have won, we are not vanquished. Just treasure our suffering, our sorrow, our

mistakes, our defeats, our passion for future battles and for the great emancipation.

"Be all as of one heart in this blackest hour of our tragedy. And have heart. Salute for us all the friends and comrades of the earth.

"We embrace you all and bid you our extreme good-by with our hearts filled with love and affection.

"Now and ever long life to you all, long life to liberty.

"Yours in life and death,

"BARTOLOMEO VANZETTI,
NICOLA SACCO."

Vanzetti's *Story of a Proletarian Life* concludes with an eloquent summary of his faith in life and humanity. It was written just after his conviction, when he was thirty-three years old. He recounts how he thought and studied under difficult circumstances and with little equipment in routine education. But, he says:

"I brought to the studies a cruel, continuous and inexorable observation of men, animals and plants—of everything, in a word, that surrounds man. The Book of Life: that is the Book of Books! 'All the others merely teach how to read this one. The honest books, I mean; the dishonest ones have an opposite purpose.

"Meditation over this great book determined my action and my principles. I denied that 'Every man for himself and God for All!' I championed the weak, the poor, the oppressed, the simple and the persecuted. I admired heroism, strength, and sacrifice when directed towards the triumph of justice. I understood that in the name of God, of Law, of the Patria, of Liberty, of the purest mental abstractions, of the highest human ideals, are perpetrated and will continue to be perpetrated, the most ferocious crimes: until the day, when by the acquisition of light it will no longer be possible for the few, in the name of God, to do wrong to the many.

"I understand that man cannot trample with immunity upon the unwritten laws that govern his life, he cannot violate the ties that bind him to the universe. I understand that the mountains, the seas, the rivers called 'natural boundaries' were formed before man, by a complexity of physical and chemical processes, and not for the purpose of dividing peoples.

"I grasped the concept of fraternity, of universal love. I maintained that whosoever benefits or hurts a man benefits or hurts the whole species. I sought my liberty in the liberty of all; my happiness in the happiness of all. I realized that the equity of deeds, of rights, and of duties, is the only moral basis upon which could be erected a just human society. I earned my bread by the honest sweat of my brow. I have not a drop of blood on my hands, nor on my conscience.

"I understand that the supreme goal of life is happiness, that the eternal and immutable bases of human happiness are health, peace of conscience, the satisfaction of animal needs, and a sincere faith. I understand that every individual has two I's, the real and the ideal, that the second is the source of all progress, and that whatever wants to make the first seem equal to the second, is in bad faith. The difference in any one person between his two egos is always the same, because whether in perfection or in degeneration, they always keep the same distance between them.

"I understand that man is never sufficiently modest towards himself, and that true wisdom is in tolerance.

"I wanted a roof for every family, bread for every mouth, education for every heart, the light for every intellect.

"I am convinced that human history has not yet begun; that we find ourselves in the last period of the prehistoric. I see with the eyes of my soul how the sky is suffused with the rays of the new millennium.

"I maintain that liberty of conscience is as inalienable as life. I sought with all my power to direct the human spirit to the good of all. I know from experience that rights and privileges are still won and maintained by force, until humanity shall have perfected itself.

"In the real history of future humanity—classes and privileges, antagonisms of interest between man and man abolished—progress and change will be determined by intelligence and the common convenience.

"If we, and the generation which our women carry under their bosoms do not arrive *nearer* to that goal, we shall not have obtained anything real and humanity will continue to be miserable and unhappy.

"I am and shall be until the last instant (unless I should discover that I am in error) an anarchist-communist, because I believe that communism is the most humane form of social con-

tact, because I know that only with liberty can man rise, become noble, and complete.

"Now? At the age of thirty-three—the age of Christ and according to certain learned alienists the age of offenders generally—I am scheduled for prison and for death. Yet were I to recommence the journey of life, I should tread the same road, seeking, however, to lessen the sum of my sins and errors, and to multiply that of my good deeds.

"I send to my comrades, to my friends, to all good men, my fraternal embrace, love, and fervent greetings!"



Boardman Robinson,
in *The Nation* (New York)

CHAPTER XXV

"—THAT AGONY IS OUR TRIUMPH"

The World Watches Executions

THERE WAS a tremor of panic in the world throughout the long day of August twenty-second, the last day of life for Nicola Sacco and Bartolomeo Vanzetti. It could be felt as distinctly in Paris and Moscow and Tokio and Sydney as near the besieged prison in Boston. Even as the relatives of a beloved one about to die gather around the death-bed for courage and warmth in each other's presence, so the million-fold working class family on all the continents of the earth gathered around the death-house in America. A surpassing sense of comradeship drew men together across the boundaries of nations and races and languages.

The air was tense with suppressed excitement in Boston. There was an awareness of millions of eyes turned upon the city from every direction. Thousands wandered through the streets in a bewilderment. Everywhere the clatter of mounted soldiers and the roar of armored motorcycles, bayonets and machine guns everywhere. Hundreds of police surrounded the prison and guarded every approach to the death-house, on the roof of which were machine guns trained upon the streets where crowds stirred uneasily. Firemen were prepared to open high-power hose and policemen were ready to shoot. Two police boats patrolled the river approach to the prison. As the sun went down arc lights threw a ghastly light on the scene and searchlights pierced the streets, drawing the glint of steel from fixed bayonets. An area of several hundred feet around the death-house was roped off and only those with credentials could pass. As the hour of death approached crowds gathered behind the ropes, staring at the prison in a daze.

In New York many thousands gathered at Union Square, called together by the Sacco-Vanzetti Emergency Committee. When the meeting was over they did not go home but wandered distractedly through the neighborhood. Hours before midnight they gathered in front of the bulletin board of the communist *Freiheit*. Several thousand more kept a "death watch" in a church, called together by the socialists. The entire police force was mobilized and on Governor's Island nearby several companies of soldiers, fully armed, awaited a signal to cross the river into the city. In Philadelphia and Chicago and San Francisco the police dispersed meetings that day. A State trooper was killed while scattering a protest gathering of several thousand miners near Pittsburgh.

Three hundred men and women marched from the Bunker Hill monument in Boston towards the prison, but eight hundred police charged them and broke up the march. More than two hundred were arrested when they attempted to picket the State House. A young leader of the mine workers, Powers Hapgood, was thrown into an insane asylum and kept there two days because he persisted in returning to the picket line after many arrests.

Civil rights are playthings for quiet days, not for a day of death.

At about ten that morning Governor Fuller came to his office. He was rested and in good spirits, a back-slapping politician at his most genial. He smiled benevolently from a fat-cheeked face at the reporters waiting for him.

"It's a beautiful morning, boys, isn't it?" he said.

The reporters did not answer. "The governor seems in excellent health and spirits," the *Times* representative noted.

Stacks of telegrams awaited the governor, but he did not read them. Thousands more kept coming throughout the day from every part of the world. And all day delegations knocked on his door. Indeed, the governor was in excellent spirits. He shook hands with all comers. He listened and he smiled.

Yes, he would take the matter under consideration. . . . It's a beautiful morning and his duties are outlined by the law. Nothing to worry over. It's a beautiful law on a beautiful morning.

Men whom he knew brought a long petition bearing the names of the country's greatest writers, thinkers, social workers. The governor would take the matter under consideration. "Society" women, touched by the tragedy, came in limousines to plead. A labor delegation from New York was admitted. The governor argued with them all. He raised points of evidence, points of law. There is no room for mercy or common sense in law and in evidence. Yet he promised to consider the matter.

One after another these groups emerged, crushed by their effort to break through a sadistic smile.

And there were other delegations, though not so many, which came out smiling, content. The commander of the Massachusetts Department of the American Legion brought assurances that the Legion stood with the governor "four square."

At night two weeping women, Rosina Sacco and Luigia Vanzetti, were admitted. They talked to the plump, self-satisfied man of love and of children and of mercy. "I am sorry," he said, at regular intervals, "my duties are outlined by the law." Later, the lawyers, Thompson and Musmanno and others, talked law. Not until after eleven o'clock that night did His Excellency announce definitely to the defense lawyers that there was to be no reprieve.

It was a hard day for the governor, but his smile was not frayed. A few minutes after midnight he was informed by telephone that the executions had begun. He did not wait for them to be finished—the mechanism of the law could be depended upon. He went home.

Over in Yellowstone National Park, in Wyoming, the President of the United States posed all day for the motion picture cameras. Cables and telegrams about Sacco and Vanzetti were

accumulating at his office. They could wait until to-morrow. Coolidge was tired. He went to bed before the switch was turned on in his home State.

But millions throughout the world could not go to sleep. Two of their own family were being killed.

Sacco and Vanzetti Are Electrocuted

The nine hundred prisoners in the Charlestown prison pressed hot faces against cold bars in the darkness. They were silent, under penalty of solitary confinement, and their silence echoed through the prison.

Only in the death-house there was light. Sacco was writing letters in feverish anxiety. Vanzetti paced his cell . . . thinking . . . around and around. . . . Madeiros slept.

The death-chamber is painted white and an electric light blazes hotly from the ceiling. Legal witnesses waited: the sheriff of Norfolk County, a physician, a newspaper reporter, several others. The chair in the center looks grotesquely like the electrical contraptions in cheap side-shows. Near the chair is a screen and behind the screen are three green slabs awaiting three corpses.

At seven o'clock Rosina and Luigia had said farewell to both men. Embraces were not permitted—the law ruled that night. There were last handclasps and last tears.

At nine the warden officially informed them that they must die. The feverish silence became a tangible presence in that prison as the minutes of life were ticked off.

At midnight Madeiros was awakened. With two guards he walked thirteen steps from his cell to the little door and through it to the chair. The straps were adjusted and a signal given for the entry of death. The lights in the corridor dimmed when the current was opened. Sacco and Vanzetti in their cells knew what it meant. In two minutes the body of Madeiros rested upon one of the green slabs behind the screen.

Then the two guards returned for Sacco. “Good-by,” he said to Vanzetti. He walked between the guards, seventeen steps into the glaring light of the death chamber. He looked around, a little dazed, defiant. He sat down and the guards were strapping him in. Then the feel of cold metal was on his skin.

“Long live anarchy!” he threw at the strangers in the room.

The words were in Italian. Then he remembered that he was in a far-away land. He must talk English.

“Farewell my wife and child and all my friends,” he said.

The guards were adjusting the straps. Sacco looked around him.

“Good evening, gentlemen,” he said.

The warden raised his hand, a signal for the executioner at the switch.

“Farewell, mother . . .” Sacco whispered. His words were lost in the sound of an electrical current.

And Sacco’s body lay beside Madeiros’ on a slab behind the screen. He died at 12:19 A.M. on August 23.

Already Vanzetti waited at the bars of his cell. He saw the lights grow dim as the current burned the life out of his friend. He saw the guards return. Between them he walked twenty-one steps. Then the witnesses saw him enter. They said afterwards that he appeared amazingly calm. He walked with a long stride, like a man going to meet friends.

And he did an impulsive thing. He shook hands with the guards. He shook hands with the warden who was poised to give the signal to the switchman. Then he sat down. His tone was remarkably like it had been in the Dedham court when he talked gently to a shriveled judge.

“I wish to tell you I am innocent and never committed any crime, but sometime some sin. . . . I thank you for everything you have done for me. I am innocent of all crime, not only of this one, but all. I am an innocent man.”

These were words for his comrades, for the millions wander-

ing in a daze of sorrow through the streets of the world. Then he added:

"I wish to forgive some people for what they are now doing to me."

For a third time the sound of an electric current burning life out of a body—and the guards whose hands he had shaken laid Vanzetti's body beside Sacco. He died at 12:26.

The witnesses filed out, silently; there was nothing more for them to do; except the reporter, who must write the story for the world. About an hour later a hearse drove into the prison yard. Its wheels crunched on the gravel and broke the fevered prison silence. Three bodies were lifted into the hearse and carried away to a mortuary.

A minute after they were dead the news had traveled around the world. It was received with a gasp of horror by the waiting men and women in England and France and Russia and China and the countries of Latin America. In the following days there were demonstrations of anger at a thousand American consulates, embassies and business houses. Parades of workers in London and Geneva and other places were turned into seething riots by the interference of the police. In Paris the demonstrations took on the appearance of a revolutionary insurrection. Barricades were thrown up in some streets. Hostile demonstrations were made against the American Legion which was meeting in Paris; and against the mayor of New York when he arrived in Berlin.

These were only outward signs of resentment that has bitten deeply into the memory of mankind. Year after year it will arise to plague those who tortured and killed Sacco and Vanzetti.

Two red-draped coffins rested amidst banks of flowers at a small undertaking parlor in the Italian section of Boston for three days while a stream of people filed past to look upon the calm dead faces of Sacco and Vanzetti. On Sunday, August 28, the bodies were cremated. The police permitted only a

few thousand to follow the caskets and refused to let the cortège pass the State House. But two hundred thousand people were on the sidewalks along the route despite the police. And the funeral in Boston was only the beginning of a cortège that stretched that day through every working class street in the world, to the tune of the *International* and the *Red Flag*.

They Died for the Working Class

Those who had insisted upon killing Sacco and Vanzetti did not exult. There was awe in their voices as they talked of their deed. They avoided the word “murderers” . . . they were conscious of guilt. Instead they used legal formulas. And they exhibited an immense anxiety to forget what had happened. The Boston *Herald* declared:

“It has been a famous case. It has attracted the attention of the world to an extent quite without recent precedent. It has presented phases which no serious student of our public affairs could fail to regret. But the time for such discussion is over. The chapter is closed. The die is cast. The arrow has flown. Now let us go forward to the duties and responsibilities of the common day with a renewed determination to maintain our present system of government and our existing social order.”

The *Herald* unquestionably expressed the feelings of the New England ruling class, and the ruling class of America as a whole. “Our existing social order” has done its duty. Now let us talk about something else. If we must talk about this case, it is merely as a reminder that “a thorough overhauling of nests of anarchists in this country should be made,” as the *Washington Post* demanded.

Perhaps the most significant example of this anxiety to wipe out the disturbing memory of August 22 is in a fact which was not generally known to the public. Visitors to motion picture theaters noticed the conspicuous absence of scenes from the worldwide protests or any other phase of the case on the screens in the final months of the drama. Thousands of

feet of Sacco-Vanzetti news reels were taken everywhere. But in America they were burned. The *Exhibitors Herald*, on September 3, carried the following announcement:

"The Sacco-Vanzetti case is closed, and that means as far as news reel pictures of the events in the case which terminated with the execution of the pair.

"The case is closed on the screen, voluntarily. Executives of the news reel companies were unanimous in their decision to eliminate all reference to the matter in their releases.

"The announcement was made following conferences with representatives of Will H. Hays, after receipt by the Hays organization of requests from overseas that the motion picture industry do its share in bringing the case to an end by ignoring it on the screen. Films in the vault will be burned."

But the memory cannot be erased by burning the films. It cannot be closed by editorial pronouncements that the time for discussion is over. The case is not ended. In a sense it has just begun.

The impotence and chagrin of those who clamored for mercy to "save our institutions" was expressed by *The New Republic* in an editorial on August 31:

"... Other Americans who consider the scrupulously fair and circumspect administration of the criminal law to be more important than the prestige of the state of Massachusetts are justified in regarding the act with dismay and foreboding. The inability to obtain a new trial for the condemned and executed anarchists is a clear case of the failure of a temperate and a reasonable public agitation to produce any sufficient effect upon public opinion and official action. . . . The United States is ceasing to be a place in which responsible public opinion listens to reason or is unafraid to admit the error of an official act."

Yet they found consolation in still further activities to save those institutions. Some urged that repetitions of such cases be prevented by changing the laws of Massachusetts! Others appealed for the abolition of capital punishment. All of them continued to ignore the fact that this was *class justice* in practice, that it was *not* a miscarriage of justice.

A reporter, writing in the New York *Evening Post*, described Vanzetti's parting words as “a farewell of terrible beauty, of forgiving pity such as has never been heard at a criminal's execution in these times.” Vanzetti's forgiveness was for the puny individuals who had harried him to death, for the Thayers and Fullers and Katzmans. He had no forgiveness for the machine in which these persons were cogs.

Vanzetti's words are a warning against futile resentments or reprisals against individuals. In seven years of torture he had learned that there are Thayers and Fullers by the thousand, each going through his function almost automatically. Vanzetti shook hands with the warden who gave the signal for his death. His hatred was reserved for injustice and exploitation. His death and Sacco's death were not due to a personal conflict with the Thayers and Fullers. They were the result of a class conflict. Any other workers who summed up as they did the fears and dislikes of the ruling powers would have suffered a similar fate. Other judges and governors and prosecutors would have used the same words and the same gestures.

Sacco and Vanzetti were anarchists. But when they were first arrested the word most frequently used by their enemies in describing them was “Bolsheviks.” That, in 1920 and 1921, was the word which represented the fears of the rulers. Later they were called “Communists.” That had come to be the bugaboo of the master class. They were sacrificed to the basic fears of capitalist society.

They died for the working class of the world.

In the United States that working class was in a large measure indifferent; in a large measure it was too weak and disorganized. It spent its power on a feeble gesture. Nevertheless, it was for them that Sacco and Vanzetti died. The day must come when the American workers will understand the sacrifice and the heroism of Sacco and Vanzetti. Their death must teach the American workers to organize and to use

their organized might. Year after year the memory of the killings in Massachusetts will make those lessons clearer, sharper.

* * *

These were Vanzetti's words to the judge who sentenced him and Sacco to death:

"If it had not been for this thing, I might have lived out my life talking at street corners to scornful men. I might have died, unmarked, unknown, a failure. Now we are not a failure. This is our career, and our triumph. Never in our full life could we hope to do such work for tolerance, for justice, for man's understanding of men as now we do by accident. Our words—our lives—our pains—nothing! The taking of our lives—lives of a good shoemaker and a poor fish-peddler—all! That last moment belongs to us—that agony is our triumph."

THE END



Death Masks of Sacco and Vanzetti by William Gropper